Supreme Court, U. S.
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MICHAEL RODAK, JR., CLERK

APPENDIX

IN THE
Supreme Court of the United States
OCTOBER TERM, 1974

No. 73-1820

PAUL PHILBROOK,
Appellant

—v.—

JEAN GLODGETT, ET AL.

No. 74-132

CASPAR W. WEINBERGER, SECRETARY OF HEALTH, EDUCATION AND WELFARE,
Appellant

—v.—

JEAN GLODGETT, ET AL.

ON APPEALS FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF VERMONT

NO. 73-1820 DOCKETED JUNE 3, 1974, AND PROBABLE JURISDICTION NOTED OCTOBER 29, 1974.

NO. 74-132 DOCKETED AUGUST 17, 1974, AND FURTHER CONSIDERATION OF JURISDICTION POSTPONED OCTOBER 29, 1974.

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IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF VERMONT

Civil Action No. 6550

DOCKET ENTRIES

DATE	FILINGS—PROCEEDINGS
1972	
Mar. 6	Filed Complaint.
Mar. 6	Issued Summons and delivered same to Marshal for service.
Mar. 8	Filed Summons returned served.
Mar. 29	Filed Stipulation for a 20 day extension of time for Defendant Joseph Betit during which he is required to file an Answer of Plaintiffs' Complaint. Mailed copy to attorneys.
Apr. 17	Filed Answer to Defendant Betit and Certificate of Service.
May 10	Filed Stipulation re Answer and Approval thereon.
June 15	Filed Answer of Defendant Elliot Richardson and Certificate of Service.
July 11	At the Call of the Calendar before Judge Coffrin, it was Ordered that this case be passed.
Aug. 16	Filed Motion for Judgment on the Pleadings, Motion for Summary Judgment, Motion to Dismiss for lack of Judgment and Memorandum of Law in support of Motions of Defendant Richardson and Certificate of Service.
Aug. 30	Filed Plaintiffs' Interrogatories to Defendant.

DATE	FILINGS—PROCEEDINGS
1972	
Sept. 8	In Chambers before Judge Coffrin, hearing on allegations in Defendant Betit's Answer; and on Class Action treatment and Propriety of 3-Judge Court. Richard S. Kohn, Esq., for Plaintiffs. David E. Wilson, Ass't. Attorney General for Defendant Joseph Betit and Norman Cohen, Ass't. U.S. Attorney for Government.
Sept. 8	Statements made to Court by all attorneys.
Sept. 8	Court makes inquiries of all attorneys.
Sept. 8	Parties to submit memorandums.
Sept. 20	Filed Plaintiffs' Memorandum of Law.
Oct. 23	Filed Defendant Betit's Memorandum of Law.
Nov. 15	Filed Plaintiffs' Memorandum concerning average monthly payments under AFDC-UF and unemployment insurance.
Dec. 11	Filed Motion of Roger C. and Arlene M. Derosia and Larry, Harold, Arthur, Mary and Brian Derosia to Intervene.
1973	
Feb. 8	Filed Designation of 3-Judge Court.
Feb. 24	Filed Stipulation re agreed facts.
Mar. 2	Filed Defendant's answer to interrogatories.
Mar. 5	In Court before Judge Oakes, Holden and Coffrin. Richard S. Kohn, Esq., and Nancy Kaufman, Esq., for Plaintiffs. Benson Scotch, Esq., for Defendant Commissioner of the Vermont Department of Social Welfare. William Gray and Carter LaPrade, Ass't. U.S. Attorneys for Defendant Elliot Richardson, individually, etc.

DATE	FILINGS—PROCEEDINGS
1973	
Mar. 5	Hearing on Government's Motion for Judgment on the pleadings; Motion for Summary Judgment; Motion to Dismiss for lack of Jurisdiction.
Mar. 5	Statements made to Court by Mr. LaPrade in support of said Motions; followed by Mr. Scotch for State of Vermont.
Mar. 5	Statements in opposition to said Motions made by Mr. Kohn for plaintiffs.
Mar. 5	Further statements made to Court by Mr. LaPrade in rebuttal to statements made by Mr. Kohn; followed by Mr. Scotch for State of Vermont.
Mar. 5	ORDERED: Plaintiffs have until March 15, 1973, to file memorandum; and Defendants have until March 25, 1973, to file reply memorandum.
Mar. 5	Hearing on Motion of Roger C. and Arlene M. Derosia and Larry, Harold, Arthur, Mary and Brian Derosia to intervene.
Mar. 5	No one objecting thereto, it is ORDERED: Motion to Intervene granted.
Mar. 5	Filed Complaint of Intervenors.
Mar. 16	Filed Plaintiffs' Motion for Leave to File Amended Complaint.
Mar. 16	Filed Plaintiffs' Memorandum of Law.
Mar. 27	Filed Government's Memorandum of Law.
Apr. 10	Filed Government's Memorandum of Law.
Apr. 18	Filed Memorandum of Law Concerning Jurisdiction (Pltfs.').
Apr. 20	Filed Order granting amended Complaint of pltf. intervenors. Mailed copy.
May 4	Filed Government's memorandum of law.

DATE	FILINGS--PROCEEDINGS
1973	
May 23	Filed Pltfs' Memorandum of Law.
Oct. 3	Filed motion of Robert and Tianna Spicer and Samantha and Stephanie Perry to intervene.
Oct. 23	Filed Opinion of Three-Judge Court. Mailed copy to Attys.
Nov. 6	Filed plaintiffs' motion for rehearing on dismissal of the class action.
Nov. 6	Filed memorandum of law in support of plaintiffs' motion for rehearing on dismissal of the class action.
Dec. 17	Filed Defendant's motion for new trial.
1974	
Jan. 8	Filed Supplemental Opinion and Order, Motion for new trial denied—in submitting a decree, appropriate language to insure that the decree runs for the benefit of all others similarly situated in the future is hereby directed to be included—Class action designation is refused. Mailed copy to Attys.
Jan. 18	Filed Motion to Intervene and for Temporary Relief of Tina, William and Sean Sarazin.
Jan. 18	Filed Affidavit of William Sarazin.
Jan. 18	Filed Memorandum of Law of William and Mary Sarazin.
Jan. 23	In open Court before Judge Holdren. Mary Skinner, Esq., for Intervenors. David L. Kalib, Ass't. Attorney General for Defendant Betit, William Gray, Ass't. U.S. Attorney for Defendant Elliot Richardson.
Jan. 23	Hearing on Plaintiffs' Motion to Intervene and for Temporary Relief.

DATE	FILINGS—PROCEEDINGS
1974	
Jan. 23	Statements made to Court by Mrs. Skinner in support of her motion and for temporary relief, objected to by Mr. Kalib.
Jan. 23	Statements made to Court by Mr. Gray who states they could probably get an order as early as next week and the issue at stake could be decided.
Jan. 23	Further statements made to Court by Mr. Kalib followed by Mrs. Skinner.
Jan. 23	ORDERED: that the Petition to Intervene will be granted.
Jan. 23	Filed Plaintiffs' Amended Complaint of Intervention.
Jan. 24	Issued Summons re Intervenors.
Jan. 25	Filed Stipulation.
Jan. 25	Filed Order—The intervention of Mary and William Sarazin is allowed—Defts. restrained from refusing to grant Pltff. ANFC-UF as of 1/28/74 for so long as Pltff remains eligible and foregoes receipt of Vermont unemployment compensation benefits. Copy mailed to attys.
Jan. 28	Filed Summons returned served as to Defts. Paul R. Philbrook, etc. and Caspar W. Weinberger, etc.
Feb. 12	Filed Transcript of Hearing on March 5, 1973 before Three-Judge Panel.
Feb. 20	Filed Order of Judgment of Three Judge Court. Copy mailed to attorneys.
Feb. 26	Filed Defendants' Motion to Stay, including Supersedeas in District Court and Memorandum in support of Motion.

DATE	FILINGS—PROCEEDINGS
1974	
Mar. 1	Filed Plaintiffs' memorandum of law in opposition to Defendants' motion to stay enforcement of the judgment.
Mar. 1	In open Court, hearing on Defendants' motion to stay. Richard Kohn, Esq. for Plaintiffs; David L. Kalib, Esq. for State; William Gray, Esq. for Government.
Mar. 1	Statements made to Court by Mr. Kalib, followed by Mr. Gray who joins in motion to stay.
Mar. 1	Statements made by Mr. Kohn.
Mar. 1	Ordered: Motion denied as to individual plaintiffs; motion granted as to class plaintiffs.—Parties to submit written Order for Court's approval by March 6, 1974.
Mar. 15	Filed Stay of Judgment. Copy mailed to attorneys.
Apr. 9	Filed Deft. Philbrook's Notice of Appeal to Supreme Court of the U.S. Mailed copy to Richard S. Kohn, Richard A. Axelrod, Esq. & Nancy F. Kaufman, Esq.; Kathleen M. Mitchell, Esq.; David L. Kalib, Esq.; U.S. Attorney; Court Reporter; Judge Oakes, Holden & Coffrin; and Clerk, Supreme Court, Washington, D.C.
Apr. 19	Filed Government's (for Caspar W. Weinberger etc.) Notice of Appeal to Supreme Court of the U.S. Mailed copy to Richard S. Kohn, Esq.; Richard A. Axelrod, Esq.; & Nancy E. Kaufman, Esq.; Kathleen M. Mitchell, Esq.; David L. Kalib, Esq.; U.S. Atty.; Court Reporter; Judge Oakes, Holden & Coffrin; and Clerk, Supreme Court, Washington, D.C.
June 17	Mailed Record on Appeal to Clerk, Supreme Court of the U.S., Washington, D.C. Notified attys.

UNITED STATES DISTRICT COURT
DISTRICT OF VERMONT

Civil Action No. 6550

[Filed March 6, 1972]

JEAN GLODGETT and DEANNA GLODGETT, individually and on behalf of their minor child, TINA GLODGETT

ROGER PERCY, SR. and ROSAMOND PERCY, individually and on behalf of their minor children, SHARON, SHEILA, ROGER, MARY, MATTHEW and CHARON PERCY, and all others similarly situated

vs.

JOSEPH BETIT, individually and as Commissioner of the Vermont Department of Social Welfare; ELLIOTT RICHARDSON, individually and as Secretary of the Department of Health, Education and Welfare, DEFENDANTS

I. COMPLAINT

This is a suit for a declaratory judgment that 42 U.S.C. § 607 and Vermont Welfare Regulation 2331.31(3) violate the due process and equal protection clauses of the fifth and fourteenth amendments to the United States Constitution insofar as they render children of unemployed fathers ineligible to receive ANFC benefits during any week that the father is receiving unemployment compensation under state unemployment compensation law. The action against the Commissioner of Social Welfare is based on 42 U.S.C. § 1983. Plaintiffs also seek damages and injunctive relief against the Commissioner of the Vermont Department of Social Welfare and relief in the nature of mandamus as against the Secretary of the Department of Health, Education and Welfare.

II. JURISDICTION

A. Jurisdiction against the Commissioner of the Vermont Department of Social Welfare is invoked pursuant to 28 U.S.C. § 1343(3)-(4) because it is brought to redress the deprivation under color of state law of a right secured by the fourteenth amendment, and by 28 U.S.C. § 1331 because it arises under the Constitution and the amount in controversy exceeds $10,000.

B. Jurisdiction against the defendant Secretary of the Department of Health, Education and Welfare is imparted by 28 U.S.C. § 1361 and 28 U.S.C. § 1331 because plaintiffs request relief in the nature of mandamus and the amount in controversy exceeds $10,000.

III. PARTIES

A. Plaintiffs Jean Glodgett and Deanne Glodgett are citizens of the United States and the State of Vermont and residents of Orleans, Vermont. Plaintiff Tina Glodgett sues by her parents and next friends.

B. Plaintiffs Roger and Rosamond Percy are citizens of the United States and the State of Vermont and residents of Orleans, Vermont. Plaintiffs Sheila, Sharon, Roger, Mary, Matthew and Charon Percy are minor children and sue by their parents and next friends.

C. Defendant Richardson is the Secretary of the United States Department of Health, Education and Welfare. Pursuant to 42 U.S.C. § 602(b), he is authorized to approve state plans for the implementation of ANFC.

D. Defendant Betit is Commissioner of the Vermont Department of Social Welfare. Pursuant to 33 V.S.A. § 2505, he is the chief administrator and executive officer. Through his agents, the plaintiffs and the class they represent have been denied ANFC benefits.

E. On December 16, 1971, Mr. Glodgett applied for ANFC and was accepted. On December 20, 1971, the family received its first check in the amount of $93.00. Thereafter, they began receiving the full monthly benefit of $239.00. On January 10, 1972, Mr. Glodgett began receiving unemployment compensation from New Hampshire in the amount of $14.00 per week. He has been notified by letter dated January 12, 1972, by the Vermont Department of Social Welfare that his ANFC benefits will be terminated beginning February 16, 1972 because he is receiving unemployment compensation.

F. Plaintiff Roger Percy was employed as a trucker by Orlando Construction Company until December 4, 1971, when he was laid off. He applied for ANFC-UF on December 6, 1971. On December 10, 1971, he began drawing unemployment compensation in the amount of $43.00 per week. His ANFC application was denied on December 20, 1971 for the sole reason that he was receiving unemployment compensation. If he was eligible for ANFC he would draw $410 per month for his family. His monthly unemployment is approximately $172.00. To help him meet expenses, he has had to rely on General Assistance.

IV. STATEMENT OF CLAIM

1. The Social Security Act (42 U.S.C. §§ 606 and 607) provides for assistance to needy families with dependent children if the children have been deprived of parental support or care due to death, abandonment, physical or mental incapacity or unemployment of a parent.

2. Section 607(b)(2)(c)(ii) of the Social Security Act provides that assistance under the aid to families with dependent children program for unemployed parents cannot be granted if the father is eligible for or receiving unemployment compensation. Aid must be denied for any week in which the father receives unemployment compensation regardless of the amount and of the unmet need of the family. Section 2331.31(3) of the Vermont Welfare Manual implements this requirement for Vermont.

The needs of the plaintiffs for a minimum subsistence compatible with health and decency are computed by the Department of Social Welfare and appear in the Vermont Welfare Manual at Section 2211.2. The amount received by the plaintiffs under the unemployment compensation program is considerably less than the amounts the De-

partment has adopted as the minimum necessary for a decent and healthful subsistence.

42 U.S.C. § 607(b)(2)(c)(ii) and Vermont Welfare Regulation 2331.31(3) violate the due process and equal protection clauses of the fifth and fourteenth amendments for the following reasons:

A. Section 607 creates two classes of children whose fathers are unemployed, those who are eligible for state unemployment compensation and those who are not. Needy children are excluded solely because their fathers receive or are eligible to receive unemployment compensation benefits even though such benefits may be far below what would otherwise be received under public assistance. Plaintiffs would be eligible for assistance if they were receiving amounts equal to their unemployment benefits in any other form of income or benefits. Having eligibility turn on the source of the income rather than the amount constitutes an invidious discrimination against the former group of children.

B. 42 U.S.C. § 607(b)(2)(c)(ii) is unconstitutional because it only disqualifies those children whose *fathers* are eligible for unemployment. If both parents are in the home and the mother is receiving unemployment, the family is eligible for ANFC-UF. This is an arbitrary distinction conditioned solely on which parent is receiving unemployment.

C. 42 U.S.C. § 606 provides ANFC eligibility for children who are deprived of parental support or care due to continued absence of one parent from the home. Eligibility under section 606 does not depend upon whether the parent in the home is receiving unemployment or not. Thus, the same children who are ineligible under section 607 because the father is receiving unemployment would be eligible for ANFC under section 606 if either parent deserted the family. The statutory scheme which penalizes children because their parents are not separated is arbitrary and invalid under the fifth and fourteenth amendments.

Subparagraphs A, B and C above are equally applicable to Vermont Welfare Regulation 2331.31(3).

V. CLASS ACTION

Plaintiffs represent the class of those families residing in the State of Vermont who are eligible for the ANFC-UF program but for their fathers' receipt of or eligibility for unemployment compensation and as a result of this exclusion from ANFC are receiving assistance insufficient to meet their needs. Plaintiffs sue on behalf of themselves and all others similarly situated, pursuant to Rule 23, F.R.C.P.:

(a) The members of this class are so numerous that joinder of them all is impracticable.

(b) There are questions of law and fact common to all members of the class, and the common questions of law and fact predominate over any questions effecting only individual members of the class.

(c) The claims of the representative plaintiffs will fairly and adequately protect the interests of the class.

(d) Defendants have acted or refused to act on grounds generally applicable to the class.

(e) An adjudication of the rights of the named representatives of the class would, as a practical matter, be dispositive of the interests of all other members.

VI. THREE JUDGE COURT

The Plaintiffs request that this action be heard by a three judge district court pursuant to 28 U.S.C. §§ 2281 and 2282 because plaintiffs seek a permanent injunction against the enforcement of an act of Congress and the regulations of statewide applicability on the ground that they are repugnant to the Constitution.

VII. PRAYER FOR RELIEF

Wherefore, the plaintiffs respectfully pray that:

1. This court assume jurisdiction of this cause and convene a three judge court pursuant to Title 28, U.S.C. §§ 2281, 2282 and 2284;

2. This court issue an order declaring that this is an appropriate class action and granting plaintiffs leave to proceed with this action as a class action;

3. The court declare 42 U.S.C. § 607(b)(2)(c)(ii) in violation of the due process clause of the fifth amendment and enjoin its enforcement as to plaintiffs and the class they represent;

4. The court declare Vermont Welfare Regulation 2331.31(3) in violation of the equal protection clause of the fourteenth amendment and enjoin its enforcement as to the plaintiffs and the class they represent;

5. That the Vermont Commissioner of Social Welfare be enjoined to pay retroactive benefits to the plaintiffs and the class they represent in the same amount that they would have been paid under 42 U.S.C. § 606 or as if the mother, instead of the father, had been receiving unemployment compensation;

6. That a writ in the nature of mandamus issue against the secretary of the Department of Health, Education and Welfare ordering him to approved the Vermont ANFC-UF plan without requiring it to contain a provision based on 42 U.S.C. § 607(b)(2)(c)(ii);

7. Grant such further relief as the court may deed just and appropriate.

JEAN GLODGETT, DEANNA GLODGETT &
TINA GLODGETT

ROGER PERCY, SR., ROSAMOND PERCY,
SHARON, SHEILA, ROGER, MARY,
MATTHEW & CHARON PERCY

By /s/ Richard S. Kohn
Richard S. Kohn
Douglas L. Molde
Richard A. Axelrod
Vermont Legal Aid, Inc.
Attorneys for Plaintiffs

U.S. DISTRICT COURT
DISTRICT OF VERMONT

[Filed April 17, 1972]

[Title Omitted in Printing]

ANSWER OF DEFENDANT BETIT

The defendant Betit answers the complaint of the plaintiffs as follows:

I

1) Defendant Betit denies all of the allegations under the subjects of JURISDICTION and THREE-JUDGE COURT.

2) With regard to parts A and B under the subject of PARTIES, defendant Betit admits that the named plaintiffs are citizens of the United States and of the State of Vermont, but is without knowledge and information sufficient to form a belief as to the truth of this allegation with regard to any alleged parties other than the named plaintiffs, and, therefore, denies the allegation to the extent that it may seek to encompass unnamed parties.

3) With regard to parts C and D under the subject PARTIES, the defendant Betit admits the allegations thereunder, but specifically alleges that any denial of ANFC benefits by him was consistent with State and Federal law as set forth in § 2331.31(3) of the Vermont Welfare Assistance Manual and 42 U.S.C. § 607(b)(2)(ii), respectively.

4) With regard to parts E and F under the subject of PARTIES, defendant Betit admits that the named plaintiffs have been receiving unemployment compensations from the State of New Hampshire in the case of plaintiffs Glodgett and from the State of Vermont in the case of plaintiffs Percy during a period of time herein, but does not admit that they have received unemployment compensation for any specific period of time that the complaint might consider. The defendant Betit

alleges that he is without knowledge and information sufficient to form a belief as to the truth of this allegation with regard to any alleged parties other than the named plaintiffs, and, therefore, denies the allegation to this extent.

Defendant Betit further admits that plaintiffs Glodgett were notified by letter that their ANFC benefits were to be terminated on February 16, 1972 due to the fact that said plaintiffs were receiving unemployment compensation, and that plaintiffs Percy were denied their application for ANFC benefits on or about December 20, 1971, for the reason that said plaintiffs were then receiving unemployment compensation. Defendant Betit alleges, however, that said denials by him were consistent with State and Federal laws as set forth in § 2331.31 (3) of the Vermont Welfare Assistance Manual and 42 U.S.C. § 607(b)(2)(ii), respectively.

5) Under the subject STATEMENT OF CLAIM, the defendant Betit answers as follows:

a) Admits the allegations of Part I.

b) As to Part 2, defendant Betit admits that § 607 (b)(2)(c)(ii) of the Social Security Act provides that ANFC payments may not be made to an otherwise eligible family if the father is eligible for or receiving unemployment compensation, and that § 2331.31(3) of the Vermont Welfare Assistance Manual implements the said Federal section. Defendant Betit further admits that § 2211.2 of the Vermont Welfare Assistance Manual sets forth the basic living requirements for persons eligible for assistance in the ANFC Program, but denies that this would apply to the named plaintiffs, since they do not meet the eligibility requirements for this program. The defendant Betit alleges that he is without sufficient knowledge and information to form a belief as to the truth of the allegation that plaintiffs (named or unnamed) receive "considerably less" from unemployment compensation than the amounts reflected in the aforesaid standards.

c) The defendant Betit denies all the remaining allegations under STATEMENT OF CLAIM.

6) Defendant Betit denies all of the allegations under the subject of "Class action."

II

FIRST AFFIRMATIVE DEFENSE

The plaintiffs' complaint fails to state a claim for which relief can be granted.

III

SECOND AFFIRMATIVE DEFENSE

The Court lacks jurisdiction over the defendants and the subject matter.

IV

THIRD AFFIRMATIVE DEFENSE

That the plaintiffs have an adequate remedy at law and that they have failed to exhaust their administrative remedies and their right of judicial review in State Courts.

V

FOURTH AFFIRMATIVE DEFENSE

The regulations of the Vermont Department of Social Welfare and the purported acts of which plaintiffs complain are based upon Section 407(b)(2)(c)(ii) of the Social Security Act and the requirements imposed by the U.S. Department of Health, Education and Welfare and there is no liability or responsibility on the defendant Betit, individually or as the Commissioner of the Vermont Department of Social Welfare.

VI

FIFTH AFFIRMATIVE DEFENSE

That in view of the Fourth Affirmative Defense, that the defendant Betit should be dropped as a party defendant.

WHEREFORE the defendant Betit, prays that the plaintiff take nothing by this complaint and this action be dismissed with prejudice.

Dated this 17th day of April, 1972.

Respectfully submitted,

JAMES N. JEFFORDS
Attorney General
State of Vermont
Montpelier, Vermont 05602

By: /s/ David E. Wilson
DAVID E. WILSON, ESQ.
Assistant Attorney General
c/o Department of Social Welfare
8 East State Street
Montpelier, Vermont 05602

UNITED STATES DISTRICT COURT
DISTRICT OF VERMONT

[Filed June 15, 1972]

[Title Omitted in Printing]

ANSWER OF DEFENDANT
ELLIOT RICHARDSON

Now comes the United States of America (Elliot Richardson, individually and as Secretary of the Department of Health, Education and Welfare), by its attorney, George W. F. Cook, United States Attorney for the District of Vermont, and submits the following for its answer to this complaint:

I. This paragraph sets forth conclusions of law and not allegations of fact, but insofar as an answer may be required, defendant respectfully denies each and every allegation of fact and conclusion of law that may be contained therein.

II. This paragraph sets forth conclusions of law and not allegations of fact, but insofar as an answer may be required defendant respectfully denies each and every allegation of fact and conclusion of law that may be contained therein.

III.

A. and B. Defendant Richardson does not presently possess sufficient information and knowledge to determine the truth of the allegations contained in these paragraphs.

C. The allegations of this paragraph are admitted.

D. Defendant Richardson does not presently possess sufficient information and knowledge to determine the truth of the allegations contained in this paragraph, EXCEPT that he admits the allegations contained in the first two sentences of this paragraph.

E. and F. Defendant Richardson does not presently possess sufficient information to determine the truth of the allegations contained in these paragraphs.

IV, V and VI. These paragraphs contain conclusions of law and not allegations of fact, but insofar as an answer may be required defendant respectfully denies each and every allegation of fact or conclusion of law contained therein.

VII. All allegations not expressly hereinbefore admitted, denied or modified are denied.

VIII. Defendant respectfully submits the following by way of affirmative defense:

1. This Honorable Court lacks jurisdiction over the subject matter of this action.

2. The complaint fails to state a claim upon which relief may be granted.

3. This suit should be dismissed for lack of proper venue.

Dated at Rutland, District of Vermont, this 15th day of June, 1972.

UNITED STATES OF AMERICA

George W. F. Cook
United States Attorney

By /s/ Norman Cohen
NORMAN COHEN
Assistant U.S. Attorney

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF VERMONT

[Filed August 16, 1972]

[Title Omitted in Printing]

MOTIONS OF SECRETARY OF THE DEPARTMENT OF HEALTH, EDUCATION AND WELFARE

I. MOTION FOR JUDGMENT ON THE PLEADINGS

Defendant Elliot Richardson, Secretary of the Department of Health, Education and Welfare, by and through his attorney, George W. F. Cook, United States Attorney for the District of Vermont, pursuant to Rule 12(c), Federal Rules of Civil Procedure, respectfully moves this Honorable Court to grant to said defendant a judgment on the pleadings, as Plaintiffs fail to state a claim upon which relief may be granted.

WHEREFORE, defendant respectfully requests this Honorable Court grant this Motion for Judgment on the Pleadings.

Dated at Rutland, District of Vermont, this 11th day of August, 1972.

GEORGE W. F. COOK
United States Attorney

By /s/ Norman Cohen
NORMAN COHEN
Assistant U.S. Attorney

II. MOTION FOR SUMMARY JUDGMENT

Defendant Elliot Richardson, Secretary of Health, Education and Welfare, by and through his attorney, George W. F. Cook, United States Attorney for the District of Vermont, pursuant to Rule 56(b), Federal Rules of Civil Procedure, respectfully moves this Honorable Court to grant to this defendant a Summary Judgment, as there is no dispute as to any material fact and defendant is entitled to judgment as a matter of law.

WHEREFORE, defendant respectfully prays this Honorable Court grant this Motion for a Summary Judgment.

Dated at Rutland, District of Vermont, this 11th day of August, 1972.

GEORGE W. F. COOK
United States Attorney

By /s/ Norman Cohen
NORMAN COHEN
Assistant U.S. Attorney

III. MOTION TO DISMISS FOR LACK OF JUDGMENT

Defendant Elliot Richardson, Secretary of Health, Education and Welfare, by and through his attorney, George W. F. Cook, United States Attorney for the District of Vermont, pursuant to Rule 12(b)(2), Federal Rules of Civil Procedure, respectfully moves this Honorable Court to dismiss this Complaint and for cause states:

1. This Honorable Court lacks jurisdiction as the Complaint fails to show that jurisdiction exists under 28 U.S.C. 1331, 28 U.S.C. 1361, or 28 U.S.C. 2201.

WHEREFORE, defendant respectfully prays this Honorable Court grant this Motion to Dismiss for Lack of Judgment.

Dated at Rutland, District of Vermont, this 11th day of August, 1972.

GEORGE W. F. COOK
United States Attorney

By /s/ Norman Cohen
NORMAN COHEN
Assistant U.S. Attorney

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF VERMONT

[Filed August 16, 1972]

[Title Omitted in Printing]

APPENDIX A TO MEMORANDUM OF LAW IN SUPPORT OF MOTIONS OF DEFENDANT RICHARDSON

The average weekly and monthly unemployment compensation figures used herein are derived from statistics found in the *Monthly Labor Review, December 1971*, Vol. 94, No. 12, published by the United States Department of Labor, Bureau of Labor Statistics, at page 100:

BEST COPY AVAILABLE

10. Unemployment insurance and employment service operations [1]

[All items except average benefits amounts are in thousands]

Item	1970				1971								
	Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.
Employment service: [2]													
New applications for work	778	837	779	730	864	739	833	761	777	1,005	815	779	p 703
Nonfarm placements	346	304	289	230	257	233	295	309	308	365	318	367	p 323
State unemployment insurance program:													
Initial claims [3 4]	1,079	1,208	1,432	1,863	1,756	1,291	1,265	1,111	984	1,152	1,468	p 1,266	p 1,035
Insured Unemployment [5] (average weekly volume) [6]	1,607	1,724	2,017	2,369	2,799	2,751	2,577	2,283	2,001	1,893	1,993	1,912	1,739
Rate of insured unemployment [7]	3.0	3.2	3.7	4.4	5.2	5.2	4.8	4.3	3.8	3.6	3.8	3.6	3.3
Weeks of unemployment compensated	6,065	6,058	6,521	8,741	9,667	9,698	10,758	9,224	p 7,431	p 7,542	p 6,420	p 6,409	p 5,529
Average weekly benefit amount for total unemployment	$50 64	$51 45	$52 24	$52 43	$52 83	p $52 13	$52 94	$52 28	p $57 68	$57 72	p $55 19	p $56 06	p $56 16
Total benefits paid	$300,157	$304,212	$342,060	$461,465	$526,744	p $557,869	$631,032	$541,933	p $434,463	$446,691	p $397,136	p $405,183	p $372,815
Unemployment compensation for ex-servicemen: [8]													
Initial claims [3 9]	46	49	51	58	56	50	57	51	43	54	53	53	p 48
Insured unemployment [5] (average weekly volume)	81	83	97	113	127	128	128	121	113	114	120	120	106
Weeks of unemployment compensated	355	331	363	494	515	509	586	533	p 462	p 506	p 489	p 512	p 469
Total benefits paid	$18,344	$17,336	$19,147	$26,226	$27,796	$28,273	$33,254	$30,757	p $27,010	p $30,117	p $29,221	p $30,703	p $28,157
Unemployment compensation for Federal civilian employees: [9 10]													
Initial claims [3]	13	15	12	13	15	11	12	12	10	20	16	12	p 12
Insured unemployment [5] (average weekly volume)	32	33	35	36	37	37	35	31	29	31	36	35	33
Weeks of unemployment compensated	136	136	138	168	152	148	167	139	p 119	p 126	p 137	p 155	p 143
Total benefits paid	$6,862	$6,971	$7,283	$8,986	$8,491	$8,785	$10,435	$8,912	p $7,459	p $7,843	p $8,234	p $8,753	p $8,503
Railroad unemployment insurance:													
Applications [11]	12	16	8	9	14	38	30	85	36	45	89	98	100
Insured unemployment (average weekly volume)	18	22	20	20	31	22	19	20	18	13	15	32	33
Number of payments [12]	36	46	42	46	59	73	67	119	63	68	99	105	163
Average amount of benefit payment [13]	$85 41	$82 07	$92 97	$95 04	$81 55	$61 46	$70 01	$38 34	$55 53	$58 57	$45 07	$83 22	$63 35
Total benefits paid [14]	$2,877	$3,482	$3,736	$4,176	$4,674	$4,352	$4,566	$4,364	p $3,522	$4,159	$3,800	$8,698	$11,134
All programs: [15]													
Insured unemployment [6]	1,746	1,889	2,233	2,632	3,195	3,216	3,091	2,756	2,443	2,332	2,431	2,349	2,174

[1] Includes data for Puerto Rico.
[2] Includes Guam and the Virgin Islands.
[3] Initial claims are notices filed by workers to indicate they are starting periods of unemployment. Excludes transition claims under State programs.
[4] Includes interstate claims for the Virgin Islands.
[5] Number of workers reporting the completion of at least 1 week of unemployment.
[6] Initial claims and State insured unemployment include data under the program for Puerto Rican sugarcane workers.
[7] The rate is the number of insured unemployed expressed as a percent of the average covered employment in a 12-month period.
[8] Excludes data on claims and payments made jointly with other programs.
[9] Includes the Virgin Islands.
[10] Excludes data on claims and payments made jointly with State programs.
[11] An application for benefits is filed by a railroad worker at the beginning of his first period of unemployment in a benefit year; no application is required for subsequent periods in the same year.
[12] Payments are for unemployment in 14-day registration periods.
[13] The average amount is an average for all compensable periods, not adjusted for recovery of overpayments or settlement of underpayments.
[14] Adjusted for recovery of overpayments and settlement of underpayments.
[15] Represents an unduplicated count of insured unemployment under the State, Ex-servicemen and UCFE programs and the Railroad Unemployment Insurance Act. Includes claims filed under Extended Duration (ED) provisions of regular State laws.
p = preliminary.

SOURCE: U.S. Department of Labor, Office of Financial and Management Information Systems for all items except railroad unemployment insurance which is prepared by the U.S. Railroad Retirement Board.

NOTE: Dashes indicate data not available.

APPENDIX B TO MEMORANDUM OF LAW IN SUPPORT OF MOTIONS OF DEFENDANT RICHARDSON

The average monthly AFDC payment rate per family is derived from Table 2, *Public Assistance Statistics, September 1971*, DHEW Publication No. (SRS) 72-03100, NCSS Report A-2 (9/71), which is published by the National Center for Social Statistics, Social Rehabilitation Services, United States Department of Health, Education and Welfare.

Table 2.--Amount of public assistance payments in the United States, by month, September 1970-September 1971 1/

Year and month	Total	Money payments to recipients 2/							Medical assistance 3/			Emergency assistance 4/	Payments to intermediate care facilities 5/
		Total	Federally aided programs					General assistance 6/	Total	Federally aided program	General assistance 6/		
			Total	Old-age assistance	Aid to the blind	Aid to the permanently and totally disabled	Aid to families with dependent children						
	Amount of assistance (In thousands)												
1970													
September 7/	$1,296,311	$747,987	$696,338	$156,638	$8,239	$87,546	$443,915	$51,649	$465,425	$[illegible]	$8,477	$1,019	$[illegible]
October 8/	1,286,901	755,408	699,246	157,193	8,321	87,930	446,202	56,162	497,052	479,611	8,241	1,237	[illegible]
November	1,359,747	762,105	709,018	155,691	8,272	87,702	457,353	57,087	439,957	432,022	7,935	1,129	[illegible]
December 7/	1,383,118	808,361	747,290	161,[illegible]	8,446	91,325	489,577	61,071	529,945	521,635	8,310	1,474	[illegible]
1971													
January	1,365,[illegible]	807,[illegible]	743,[illegible]	160,[illegible]	8,409	91,538	[illegible]	63,980	500,[illegible]	502,191	7,[illegible]	1,[illegible]	[illegible]
February	1,[illegible]	818,[illegible]	751,[illegible]	160,213	[illegible]	92,452	[illegible]	66,[illegible]	502,[illegible]	[illegible]	9,[illegible]	1,[illegible]	[illegible]
March 7/	1,462,101	841,[illegible]	775,[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	1,[illegible]	[illegible]
April	1,[illegible]	834,[illegible]	770,[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	64,[illegible]	[illegible]	[illegible]	[illegible]	1,[illegible]	[illegible]
May	1,[illegible]	833,[illegible]	770,[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
June 7/	1,462,059	831,700	771,068	155,562	8,353	97,442	[illegible]	60,612	575,[illegible]	[illegible]	8,[illegible]	1,[illegible]	[illegible]
July	1,[illegible]	837,[illegible]	775,[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
August	1,476,731	849,017	785,559	155,[illegible]	8,[illegible]	101,621	[illegible]	63,459	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
September 7/	1,446,398	859,314	796,[illegible]	152,479	8,253	101,[illegible]	[illegible]	63,[illegible]	549,[illegible]	540,[illegible]	8,[illegible]	1,[illegible]	[illegible]
	Percentage change from preceding month												
1970													
September	+3.7	+2.7	+3.0	+1.0	-.1	+.7	+4.2	-.9	+4.9	+4.9	+8.4	-1.1	+[illegible]
October	+8.9	+1.8	+1.2	+.4	+1.0	(9/)	+1.8	+8.9	+4.9	+5.0	-3.0	+71.4	+1.9
November	+.8	+1.0	+.9	-1.0	-.6	+.2	+1.9	+1.6	+.4	+.9	-3.7	-8.7	+.4
December	+6.2	+5.2	+5.1	+3.8	+2.1	+4.1	+5.8	+7.0	+9.2	+9.2	+4.7	+30.5	+1.8
1971													
January	-.8	+.7	+.4	-.5	-.4	+.6	+.7	+4.6	-3.9	-3.7	-11.6	+23.1	+6.4
February	+.6	+1.3	+1.1	-.4	-1.1	+.7	+1.7	+3.5	-1.3	-1.7	+27.5	+[illegible]	+[illegible]
March	+5.5	+2.6	+2.2	+.4	+1.9	+2.3	+2.7	-.4	+12.6	+12.8	+1.7	-15.9	+.8
April	+.2	+.1	+.3	(10/)	+.6	+1.4	+.2	-2.4	-.2	(x/)	-4.3	-17.[illegible]	+6.4
May	+1.3	-.2	(9/)	+.4	-.2	+1.1	-.4	-2.6	+4.3	+[illegible]	+11.3	+3.[illegible]	-2.9
June	-1.5	-1.1	-.9	-3.7	-1.1	+.5	-.3	-3.2	-2.8	-2.6	-11.0	-13.[illegible]	+[illegible]
July	+2.8	+1.7	+1.6	+.7	+.2	+1.0	+2.2	+2.8	+3.9	+3.1	+28.6	+[illegible]	+17.1
August	-1.0	+1.3	+1.3	-.2	+.5	+3.2	+1.4	+1.0	-4.4	-4.1	-22.6	+[illegible]	-7.[illegible]
September	-1.2	+.4	+.5	-2.0	-1.4	-.1	+1.3	-.6	-3.6	-3.6	+.4	-[illegible]	+[illegible]
	Percentage change from same month of preceding year												
1971													
September	+16.8	+15.0	+14.4	-2.7	+0.7	+16.0	+20.5	+27.3	+18.0	+18.4	+0.2	+[illegible]	+33.6

1/ All data subject to revision.
2/ Includes nonmedical vendor payments other than those for institutional services in intermediate care facilities.
3/ Amounts represent primarily bills paid to medical vendors during the month and therefore are subject to fluctuations unrelated to provision of medical services.
4/ Data include both money payments to families and medical vendor payments. Such emergency assistance to needy families with children authorized under title IV-A. Does not include New York City.
5/ Data represent payments to vendors of institutional services in intermediate care facilities. Federal financial participation in such payments is limited to those in behalf of individuals who qualify for OAA, AB, or APTD under programs operated under State plans approved under titles I, X, XIV, or XVI.
6/ Partly estimated. Does not include Idaho, Indiana, Kentucky, Nebraska, Nevada, New Mexico, Puerto Rico, and Vermont; no program or data not available.
7/ Total amounts and aid to families with dependent children money payments include grants for special needs in Massachusetts as follows: September 1970, for October-December 1970 quarter, $6,[illegible],000; December 1970, for January-March 1971 quarter, $6,432,000; March 1971, for April-June 1971 quarter, $7,418,000; June 1971, for July-September 1971 quarter, $7,580,000; and September 1971, for October-December 1971 quarter, $6,965,500. Percentage changes based on data excluding these amounts.
8/ Total amounts and aid to families with dependent children money payments include $844,000 representing grants for clothing adjustment in Rhode Island for fiscal year 1971. Percentage changes based on data excluding this amount.
9/ Decrease of less than 0.05 percent.
10/ Increase of less than 0.05 percent.

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UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

[Filed August 30, 1972]

[Title Omitted in Printing]

INTERROGATORIES

To: Bert Smith, ANFC Director, Vermont Department of Social Welfare.

1. State your name and professional qualifications.

2. How long have you been connected with the Department of Social Welfare?

3. What is your present position with the Department of Social Welfare?

3. How long have you held that position?

5. Describe your present duties.

6. Are you familiar with the provisions of 42 U.S.C. § 607(b)(2)(c)(ii) and F.S.P.M. 2331.31(3)?

7. Do these provisions operate to exclude families from ANFC where the father is receiving unemployment compensation?

8. If a family is denied ANFC-UF due to 2331.31(3) is the family eligible for general assistance?

9. If the answer to #8 is affirmative, are the total benefits from Unemployment Compensation and General Assistance likely to be as high as ANFC benefits?

10. If the answer to #9 is negative, explain why not.

11. Do you have an opinion as to whether 42 U.S.C. § 607 and F.S.P.M. 2331.31(3) discriminates against certain families on the basis of sex?

12. If the answer to #11 is affirmative, please explain the basis for your opinion, giving examples.

13. Do you have an opinion as to whether the exclusion provided by section 607 and 2331.31(3) is arbitrary and irrational.

14. If the answer to #13 is affirmative, please explain the basis for your opinion.

15. Can you speak for the Department of Social Welfare on policy matters relating to the ANFC program?
16. If the answer to #15 is affirmative would the Department of Social Welfare like to see § 607(b)(2)(c)(ii) deleted so that otherwise eligible families could supplement unemployment compensation with ANFC up to the State needs standard?
17. Do you have a personal opinion on the question asked in #16?
18. If the answer to #17 is affirmative, please state your opinion giving reasons.
19. Do you have an opinion as to whether 607(b)(2)(c)(ii) and 2331.31(3) encourage fathers receiving Unemployment Compensation to desert their families so that the family will be eligible for ANFC?
20. If the answer to #19 is affirmative, please state your opinion.

/s/ Richard S. Kohn
RICHARD S. KOHN
Vermont Legal Aid, Inc.
56 Railroad Street
St. Johnsbury, Vermont
Attorney for Plaintiffs

August 28, 1972

UNITED STATES DISTRICT COURT
DISTRICT OF VERMONT

[Filed November 15, 1972]

[Title Omitted in Printing]

MEMORANDUM CONCERNING AVERAGE MONTHLY PAYMENTS UNDER ADFC-UF AND UNEMPLOYMENT INSURANCE

This memorandum deals with certain statistics presented in the *Memorandum of Law in Support of Motions of Defendant Richardson* in a case (Civil No. 6550) brought before the United States District Court, District of Vermont. On page 12 of the above mentioned memorandum it is stated that:

> On a nationwide basis, the level of AFDC payments is lower than the average unemployment compensation payment. Statistics for the period October 1970—September 1971 show that the average weekly benefit under unemployment compensation was $54.09 or about $234.39 monthly. (See Appendix A.) During the same period, however, the average AFDC family received $186.58 per month. (See Appendix B.)

Upon examining these figures and the statistical sources from which they were derived several points became clear. First, since the controversy at hand only involves the Unemployed Father segment of the AFDC population in those states participating in the AFDC-UF program, the most relevant AFDC data were not employed. In the same *Public Assistance Statistics* series, cited in Appendix B of the above mentioned memorandum and the source of the crude nationwide AFDC average quoted above, there are statistics by state, on average family payments under the AFDC-UF program. This latter set of figures provides the relevant basis of comparison with average State Unemployment Insurance payments.

The second observation was that comparing these two programs on the basis of nationwide averages was very misleading. Since the levels of payment in both programs are determined in, and vary considerably among, the different states, a nationwide average obviates meaningful comparison. Instead, average AFDC-UF payments should have been compared with average UI payments in those States participating in the AFDC-UF program.

The remainder of this memorandum presents more recent data on AFDC UF and UI payments for Fiscal Year 1972 (July 1971-June 1972) which provide a more relevant comparison of average payments under the two programs.

Table 1, on the following page, presents figures on average payment under the two programs in FY'72 for the 25 States participating in the AFDC-UF program during that year. Data on UI payments were provided by the U.S. Department of Labor (see Appendix A) and data on AFDC-UF payments were compiled from 12 monthly issues of U.S. Department HEW *Public Assistance Statistics* (see Appendix B). By comparing the two columns in Table I we can see that average AFDC-UF payments were greater than average UI payments in 16 of 25 States in FY'72. Average UI payments were higher in the remaining 9 States. In addition, average payment figures for the 25 States together were: AFDC-UF, $261.19; UI, $237.44—although it must again be stressed that these averages conceal meaningful differences which exist among the 25 States. (The difference in State average payments can be seen graphically in Chart 1 which orders the States on the basis of their average AFDC-UF payments.)

In 16 States the amounts by which average monthly AFDC-UF payments exceed average monthly UI payments range from $1.35 to $101.04. In the remaining 9 states where average UI payments are higher, the range is from $17.20 to $90.28. These differences are presented graphically in Chart 2 which also indicates that 81 per cent of families receiving AFDC-UF lived in the 16 States where average AFDC-UF payments were higher

than average UI payments in FY'72. Only 19 per cent of AFDC-UF families lived in the remaining 9 States where average UI payments were higher.

TABLE 1

COMPARISON OF AVERAGE MONTHLY UNEMPLOYMENT INSURANCE PAYMENTS WITH AVERAGE AFDC-UF MONTHLY FAMILY PAYMENTS, BY STATES WITH AFDC-UF PROGRAMS IN FISCAL YEAR 1972
(July '71 - June '72)

State [c]	Average Monthly Unemployment Compensation Payment [a]	Average Monthly AFDC-UF Family Payment [b]
1. California	$251.17	$236.71
2. Colorado	253.54	272.57
3. Delaware	186.48	229.70
4. District of Columbia	189.60	279.88
5. Hawaii	367.14	283.49
6. Illinois	281.45	243.07
7. Kansas	251.28	222.31
8. Maine	220.46	211.64
9. Maryland	203.71	260.69
10. Massachusetts	303.21	252.19
11. Michigan	309.56	254.43
12. Minnesota	333.11	232.07
13. Missouri [d]	175.30	217.40
14. Nebraska	208.91	207.56
15. New York	327.65	258.64
16. Ohio	205.07	231.59
17. Oklahoma	199.90	192.98
18. Oregon	222.73	205.11

TABLE 1 (Continued)

State [c]	Average Monthly Unemployment Compensation Payment [a]	Average Monthly AFDC-UF Family Payment [b]
19. Pennsylvania	265.96	261.18
20. Rhode Island	234.99	252.19
21. Utah	236.57	229.74
22. Vermont	308.00	255.50
23. Washington	242.09	261.31
24. West Virginia	141.20	175.95
25. Wisconsin [e]	357.54	270.98
U.S. Average [f]	261.19	237.44

[a] Compiled from monthly *Public Assistance Statistics*, National Center for Social Statistics Report Series A-2, U.S. Dept. of HEW.

[b] Unpublished data supplied by State Employment Security Agencies to U.S. Dept. of Labor, Manpower Administration.

[c] Only those states with AFDC-UF programs have been included.

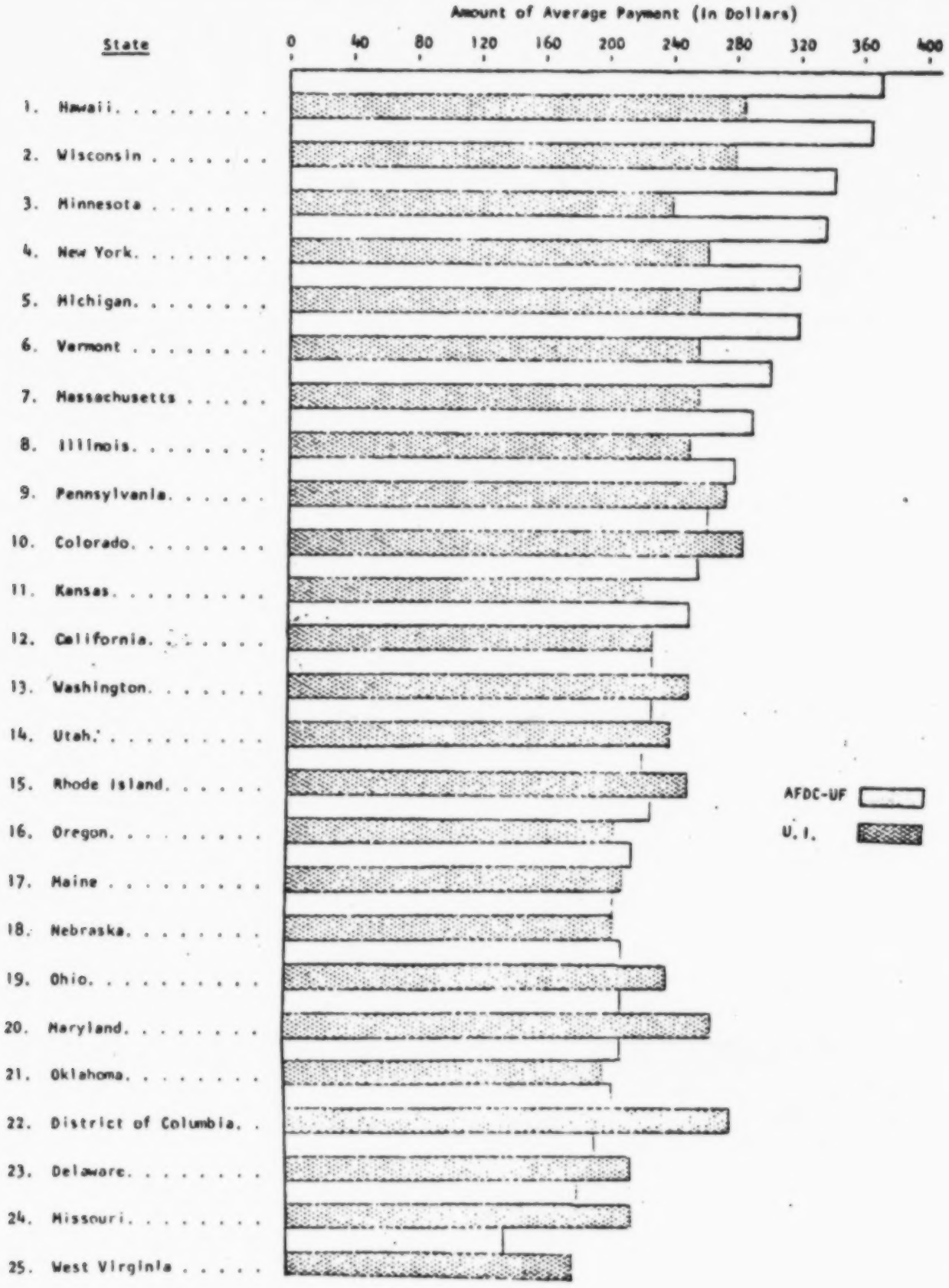
[d] AFDC-UF data for six months, July-Dec. '71.

[e] AFDC-UF data for seven months, Dec. '71 - June '72.

[f] U.S. Average for AFDC-UF is for all States with AFDC-UF programs. U.S. Average for Unemployment Compensation is for all States (except New Jersey) plus the District of Columbia and Puerto Rica.

CHART 1

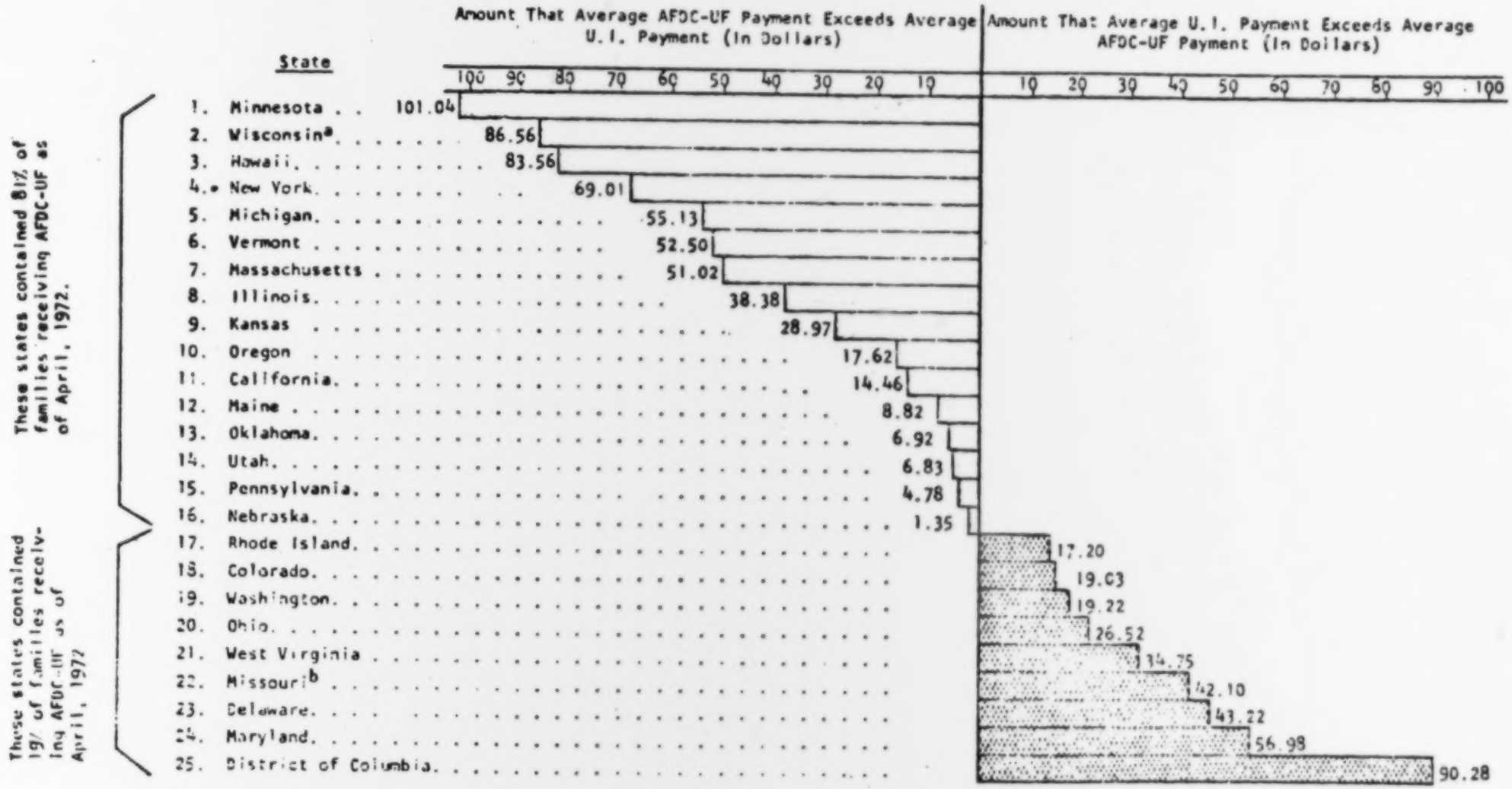
COMPARISON OF AVERAGE MONTHLY UNEMPLOYMENT INSURANCE PAYMENTS WITH AVERAGE AFDC-UF MONTHLY FAMILY PAYMENTS, BY STATES ORDERED BY AMOUNT OF AFDC-UF PAYMENT, FISCAL YEAR 1972 (JULY '71 - JUNE '72)



Source: Table 1.

CHART 2

COMPARISON OF AVERAGE AFDC-UF AND U.I. PAYMENTS, BY STATE FOR FISCAL YEAR 1972 (JULY '71 - JUNE '72)


Amount That Average AFDC-UF Payment Exceeds Average U.I. Payment (In Dollars)
Amount That Average U.I. Payment Exceeds Average AFDC-UF Payment (In Dollars)
100 90 80 70 60 50 40 30 20 10
10 20 30 40 50 60 70 80 90 100
State
These states contained 81% of families receiving AFDC-UF as of April, 1972.
These states contained 19% of families receiving AFDC-UF as of April, 1972
1. Minnesota . . 101.04
2. Wisconsin[a] 86.56
3. Hawaii 83.56
4. New York 69.01
5. Michigan 55.13
6. Vermont 52.50
7. Massachusetts 51.02
8. Illinois 38.38
9. Kansas 28.97
10. Oregon 17.62
11. California 14.46
12. Maine 8.82
13. Oklahoma 6.92
14. Utah 6.83
15. Pennsylvania 4.78
16. Nebraska 1.35
17. Rhode Island 17.20
18. Colorado 19.03
19. Washington 19.22
20. Ohio 26.52
21. West Virginia 34.75
22. Missouri[b] 42.10
23. Delaware 43.22
24. Maryland 56.98
25. District of Columbia 90.28

Source: Table 1.

[a]Wisconsin AFDC-UF figures are averaged for seven months, December 1971 to June 1972.

[b]Missouri AFDC-UF figures are averaged for six months, July 1971 to December 1971.

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Finally one must consider what these averages for the two programs mean and examine, if possible, the distribution of recipients both above and below the averages. It must be first emphasized that since we are dealing with average figures there are certainly a large number of families receiving higher AFDC-UF benefits even in States where *average* UI is higher than average AFDC-UF. Secondly we must remember that the two programs are designed to benefit two different populations: AFDC-UF, as other public assistance programs, is exclusively for the "poverty" population while UI is to provide temporary benefits to *all* unemployed who fall under its coverage, be they rich or poor and regardless of other sources of nonincome wealth. This fact is important when considering the meaning of the average UI payments. Sources in the Labor Department indicate (and information on the various State plans back this up) that most UI eligibility requirements, being largely dependent on level of salary, are such that most covered workers who are employed *full time* in jobs with salaries over the "poverty level" would be eligible to receive benefits at the State-set maximum. They further indicate that a large part of those workers who receive UI payments substantially below the maximum are those employed full-time in jobs with extremely low wages or employed on a part-time or seasonal basis. From the growing literature on poverty as well as from personal observation most would agree that among the poorer part of the population (with few if any other sources of income or wealth) employment is more likely to be in extremely low-paying full-time work or in part-time or seasonal work. This means that these "marginally-employed" workers, the very people who might otherwise qualify for AFDC-UF, are *more likely* to be those who receive UI benefits which are substantially below the State averages. (Appendix C presents a listing of the percentages of UI recipients in each State who are eligible for maximum payments.)

In contrast to UI payments, which vary largely according to the worker's previous salary, AFDC payments vary according to the presence of other income but pri-

marily according to family size. Thus, the level of benefits for the poorest AFDC recipients is determined almost exclusively by family size. It is generally recognized, and substantiated by the figures shown in Table 2 below, that poor families, particularly nonwhite poor families, tend to be larger. This, in turn, implies that the same families, who would be *more likely* to receive the UI payments under the State averages because of the previous marginal employment status of the father, would otherwise be eligible for higher AFDC-UF benefits because of larger family size.

TABLE 2

MEAN FAMILY SIZE ABOVE AND BELOW THE POVERTY LEVEL, BY RACE, 1970

	Families			
	Total	White	Black	Spanish-American
Above Poverty Line	3.52	3.48	3.88	4.16
Below Poverty Line	3.88	3.57	4.66	4.80

Source: U.S. Bureau of the Census, Census of Population: 1970, General Social and Economic Characteristics (Final Report PC(1)-C1, United States Summary), Table 95 p. 400.

This is further substantiated when, as of June 1972, we note that in every State except two (D.C. and Rhode Island) participating in the AFDC-UF program, average AFDC-UF family payments are higher than average non-UF, AFDC family payments by substantial amounts. In Vermont, for example non-UF AFDC payments averaged $225.81 per family while AFDC-UF payments averaged $331.08 per family. (For differences in other States, see Appendix D.) Thus, in sum, we can see that even State averaging tends to hide the fact that families eligible for AFDC-UF payments are *more likely* to receive payments at or above average AFDC payments and

also *more likely* to receive UI payments below the various State averages.

A final important point to note concerns *maximum* payments allowable under the two programs. All States set legal maximums on IU payments while only a small number do for AFDC payments. Table 3, on the following page, compares these maximums (either legal or administrative) and we can see that in only one State (West Virginia), out of 25 with AFDC-UF programs, is the legal maximum for UI payments higher than it is for AFDC. In the other 24 States the AFDC maximum is higher than that for UI payments or there simply is no legal or administrative maximum placed on AFDC payments.

/s/ Richard S. Kohn
RICHARD S. KOHN
Vermont Legal Aid, Inc.
56 Railroad Street
St. Johnsbury, Vermont 05819
November 13, 1972

DAVID WILCOCK
Research Analyst, Legal Action Support Project
Bureau of Social Science Research
1990 M Street, N.W.
Washington, D.C. 20036
November 10, 1972

TABLE 3

COMPARISON OF STATE LEGAL AND/OR ADMINISTRATIVE MAXIMUMS ON PAYMENTS UNDER THE AFDC AND UNEMPLOYMENT INSURANCE PROGRAMS, 1971-72

State	State AFDC Legal Family Payment maximums (L) or Administrative maximums on money projects (A)	State Legal Maximums for Unemployment Insurance Payments (10/2/72-1/1/73)[c]	Amount AFDC Maximum Exceeds UI Maximum
1. California	$471 (L)[a]	$322.50	$148.50
2. Colorado	No maximum	369.80	--
3. Delaware	$555 (L)[a]	279.50	275.50
4. District of Columbia	No maximum	451.50	--
5. Hawaii	No maximum	387.00	--
6. Illinois	No maximum	219.30-417.10[d]	--
7. Kansas	No maximum	275.20	--
8. Maine	$399 (L)[a]	270.90	128.10
9. Maryland	No maximum	335.40	--
10. Massachusetts	No maximum	356.90-554.70[d]	--
11. Michigan	No maximum	240.80-395.60[d]	--
12. Minnesota	No maximum	275.20	--
13. Missouri	$322 (A)[a]	270.90	51.10
14. Nebraska	$396 (L)[a]	258.00	138.00
15. New York	No maximum	322.50	--
16. Ohio	No maximum	245.10-347.10[d]	--
17. Oklahoma	$320 (A)	258.00	62.00
18. Oregon	No maximum	266.60	--
19. Pennsylvania	No maximum	365.50-399.90[d]	--
20. Rhode Island	No maximum	339.70-425.70[d]	--
21. Utah	$410 (L)	348.30	61.70
22. Vermont	No maximum	331.10	--
23. Washington	No maximum	335.40	--
24. West Virginia	$182 (L)	322.50	(-140.50)[e]
25. Wisconsin	*[b]	378.40	--

Source: Data on UI State maximums provided by the U.S. Dept. of Labor, Manpower Administration. Data on legal and administrative maximums for AFDC: U.S. Dept. HEW, Social and Rehibilitation Service, Characteristics of State Public Assistance Plans under the Social Security Act (Public Assistance Report No. 50, 1971); and USDHEW, SRS, Nation Center for Social Statistics, State Maximums and other Methods of Limiting Money Payments to Recipients of the Special Types of Public Assistance, July 1971 (NCSS Report D-3).

[a] Maximums calculated for 9 person families.

[b] Wisconsin law states that state average of money grants to persons must not exceed 120% of national average of such aid.

[c] Weekly maximums multiplied by 4.3 to get monthly maximums for comparison.

[d] Two maximums are given in those states which provide greater benefits for unemployed workers with dependent children.

[e] Only state where maximum UI exceeds maximum AFDC.

APPENDIX A

AVERAGE STATE UNEMPLOYMENT INSURANCE BENIFITS, FY '72

States Ranked By Average Weekly Benefit Amount

Hawaii	$65.93	New Hampshire	$51.23
Connecticut	65.70	North Dakota	50.83
District of Columbia	65.09	Missouri	50.56
Colorado	63.39	Arizona	49.96
Wisconsin	63.02	Louisiana	49.84
Washington	60.77	Kentucky	49.51
Pennsylvania	60.74	Maine	49.22
Maryland	60.69	Nebraska	48.27
New York	60.15	Oregon	47.79
Vermont	59.42	Virginia	47.03
Michigan	59.17	New Mexico	46.04
Massachusetts	58.65		
Rhode Island	58.65	INDIANA	45.96
Nevada	58.10		
Iowa	56.85	Alabama	45.29
Illinois	56.53	Texas	44.95
		Oklahoma	44.88
U.S. TOTAL	55.22	Georgia	44.47
		Tennessee	44.10
California	55.05	Arkansas	43.75
Minnesota	53.97	Montana	43.72
Ohio	53.86	Florida	43.14
Utah	53.43	South Carolina	43.12
Delaware	53.42	South Dakota	42.55
Alaska	52.86	West Virginia	40.92
Idaho	51.84	North Carolina	39.73
Kansas	51.70	Mississippi	37.41
Wyoming	51.44	Puerto Rico	33.53

Source: U.S. Dept. of Labor, Manpower Administration.

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APPENDIX B

The following twelve pages present the relevant data for AFDC-UF payments by state, FY '72. DHEW, NCSS Report A-2 (7-7) thru 6/72) *Public Assistance Statistics.*

Table 8.--Aid to families with dependent children, unemployed-parent segment: Recipients of money payments and amount of payments, by State, July 1971 1/

[Excludes vendor payments for institutional services in intermediate care facilities and for medical care and cases receiving only such payments]

State	Number of families	Number of recipients		Payments to recipients			Percentage change from--			
		Total 2/	Children	Total amount	Average per--		June 1971 in--		July 1970 in--	
					Family	Recipient	Number of recipients	Amount	Number of recipients	Amount
Total....	134,449	652,539	[illegible]	$33,558,441	$249.60	$51.49	-17.9	-13.7	+22.2	+35.6
Calif.....	[illegible]	[illegible]	165,512	13,213,2[illegible]	[illegible]257.59	48.39	-7.3	-6.9	+21.2	+35.2
Colo.....	2,773	[illegible]	5,763	534,1[illegible]	[illegible]257.68	53.02	-2.0	-5.1	+60.4	+61.9
Del.....	176	904	550	32,630	[illegible]185.40	36.50	-2.2	+6.8	+162.0	+190.1
D. C.....	554	2,655	1,576	100,768	[illegible]182.13	46.61	+1.6	+2.7	(3/)	(3/)
Guam.....	2	20	16	741	(4/)	(4/)	(4/)	(4/)	---	---
Hawaii.....	750	3,457	1,969	269,[illegible]48	[illegible]354.49	77.81	+6.4	+5.7	+146.8	+198.5
Ill.....	15,[illegible]5	77,127	47,714	4,1[illegible]3,[illegible]26	[illegible]272.51	53.08	-.5	-3.6	+164.7	+164.0
Kans. 5/.....	419	1,[illegible]7[illegible]	2,644	244,[illegible]21	[illegible]268.51	54.48	+2.1	+4.6	+134.1	+144.7
Maine.....	746	3,[illegible]6[illegible]	2,529	[illegible]7,[illegible]32	[illegible]211.64	39.93	-14.3	-13.8	+177.5	+215.8
Mi.....	697	3,211	1,906	138,[illegible]75	[illegible]198.10	43.00	+3.4	+5.0	+68.8	+105.7
Mass.....	7,443	[illegible]0,[illegible]00	8,260	662,321	[illegible]271.11	51.34	+3.4	+10.7	+83.4	+65.1
Mich.....	9,[illegible]63	[illegible]7,815	20,079	2,[illegible]05,703	[illegible]302.77	61.19	+3.3	+3.4	+153.5	+203.0
Minn.....	1,[illegible]40	[illegible],6[illegible]8	2,[illegible]40	332,618	[illegible]313.79	67.77	+3.3	+2.3	(3/)	(3/)
Mo.....	[illegible]44	3,571	2,249	11[illegible],277	[illegible]171.[illegible]5	31.[illegible]6	+7.5	+7.[illegible]	+202.9	+215.4
Nebr.....	2[illegible]6	1,[illegible]20	[illegible]40	41,717	[illegible]238.[illegible]1	30.[illegible]4	-4.9	-6.0	+88.0	+109.8
N. Y.....	[illegible]5,[illegible]00	81,168	49,[illegible]8[illegible]	5,[illegible]1[illegible],[illegible]16	[illegible]333.40	62.[illegible]2	-11.[illegible]	-2.3	+20.3	+37.2
Ohio.....	3,[illegible]11	[illegible]2,[illegible]19	25,[illegible]00	1,8[illegible],[illegible]60	[illegible]212.[illegible]2	42.90	+1.1	+1.4	+156.5	+167.5
Okla.....	[illegible]91	1,[illegible]60	1,[illegible]72	69,681	[illegible]194.21	37.60	-5.2	-3.9	+154.8	+176.1
Oreg.....	2,[illegible]00	11,[illegible]1	[illegible],518	[illegible]38,[illegible]06	[illegible]220.69	49.23	+[illegible].5	-21.7	+[illegible].0	+20.2
Pa.....	[illegible],[illegible]26	[illegible]7,[illegible]6	[illegible],[illegible]19	[illegible]64,[illegible]45	[illegible]240.17	50.69	-2.5	-.[illegible]	-6.0	+8.5
R. I.....	[illegible]0[illegible]	[illegible],[illegible]19	2,[illegible]83	[illegible]97,[illegible]3	[illegible]233.60	48.31	+1.0	-2.[illegible]	+[illegible]4.3	+169.6
S. [illegible].....	[illegible],[illegible]4	[illegible],[illegible]3	[illegible],[illegible]25	[illegible]60,[illegible]04	[illegible]239.41	47.64	-24.0	-[illegible]7	-12.0	-6.4
Tex.....	[illegible]40	[illegible],[illegible]6	1,[illegible]40	[illegible]0[illegible],[illegible]1	[illegible],[illegible]33.[illegible]	60.27	-7.1	-[illegible].2	+[illegible]3.1	+220.8
Utah.....	[illegible],[illegible]7	[illegible]3,[illegible]41	[illegible]0,[illegible]21	1,[illegible]4[illegible],[illegible]97	[illegible]2[illegible],[illegible]3[illegible]	53.[illegible]5	-8.0	-[illegible].[illegible]	+[illegible]1.7	+[illegible]0.9
V. Va.....	[illegible],[illegible]41	[illegible]4,[illegible]78	[illegible]2,[illegible]87	[illegible]32,[illegible]15	[illegible],[illegible]50.31	29.20	-[illegible].7	+7.3	-7.6	-7.3

1/ Data for this segment of the program, shown separately here, are included in data for the total program. All data subject to revision. Data include non-medical vendor payments other than those for institutional services in intermediate care facilities.

2/ Includes all recipients: the children and 1 or both parents or 1 caretaker relative other than a parent in families in which the requirements of such adults were considered in determining the amount of assistance.

3/ Program initiated August 1970.

4/ Average payment not computed on base of fewer than 50 recipients; percentage change on fewer than 100 recipients.

5/ Preliminary data.

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Table 8.--Aid to families with dependent children, unemployed-parent segment: Recipients of money payments and amount of payments, by State, August 1971 1/

(Excludes vendor payments for institutional services in intermediate care facilities and for medical care and cases receiving only such payments)

State	Number of families	Number of recipients		Payments to recipients			Percentage change from--			
					Average per--		July 1971 in--		August 1970 in--	
		Total 2/	Children	Total amount	Family	Recipient	Number of recipients	Amount	Number of recipients	Amount
Total....	131,473	633,248	384,728	$32,904,065	$250.27	$51.96	-3.0	-2.1	+16.8	+27.6
Calif. 3/.....	55,393	257,940	157,146	12,973,036	+234.20	50.29	-5.5	-1.8	+17.5	+30.7
Colo.....	2,1[illegible]	10,[illegible]	5,796	540,301	+254.14	53.69	+1.6	+1.1	+47.7	+47.4
Del.....	184	933	570	34,146	+185.58	36.60	+4.4	+4.6	+135.0	+170.9
D. C.....	633	2,6[illegible]	1,[illegible]	122,632	+193.73	45.52	+14.4	+11.7	(4/)	(4/)
Guam.....	2	20	16	751	(5/)	(5/)	(5/)	(5/)	(6/)	(6/)
Hawaii.....	[illegible]	3,[illegible]	2,[illegible]	303,496	+400.92	84.35	+3.8	+12.8	+[illegible]	+[illegible]
Ill.....	15,[illegible]	79,010	48,[illegible]	4,390,284	+283.72	55.44	+2.2	+6.7	+153.9	+163.1
Kans.....	[illegible]	4,463	2,623	242,914	+263.75	54.43	-.4	-.4	+[illegible]	+108.9
Maine.....	753	4,027	2,583	160,315	+212.90	39.81	+1.8	+1.5	+137.0	+141.7
Md.....	763	3,467	2,[illegible]	151,018	+197.93	43.31	+8.6	+9.4	+[illegible]	+99.3
Mass.....	2,[illegible]	10,537	6,[illegible]	596,130	+221.65	56.57	-18.3	-10.0	+[illegible]	+53.1
Mich.....	10,132	49,[illegible]	30,286	3,[illegible],959	+300.73	61.02	+4.4	+4.1	+[illegible]	+183.7
Minn.....	1,201	5,[illegible]	3,230	377,370	+314.21	67.53	+12.9	+13.5	+[illegible]	+247.3
Mo.....	747	3,[illegible]	2,[illegible]	127,677	+170.92	31.99	+11.8	+11.9	+[illegible]	+233.5
Nebr.....	207	1,[illegible]	630	40,938	+197.77	39.18	-1.4	-1.9	+[illegible]	+92.9
N. Y.....	14,[illegible]	70,[illegible]	43,435	4,217,074	+300.17	59.59	-12.8	-17.4	+[illegible]	+3.3
Ohio.....	[illegible]	43,[illegible]	25,[illegible]	1,879,304	+211.93	43.21	+2.2	+2.9	+[illegible]	+156.6
Okla.....	[illegible]	[illegible]	[illegible]	66,772	200.31	38.00	-5.5	-4.5	+[illegible]	+107.6
Oreg.....	[illegible]	11,[illegible]	6,[illegible]	530,613	218.81	47.84	-.5	-1.5	-[illegible]	-[illegible]
Pa.....	[illegible]	16,122	9,433	836,037	247.32	51.91	+1.3	-13.3	-1.0	-16.4
P. I.....	[illegible]	4,[illegible]	2,[illegible]	[illegible],[illegible]	236.43	49.17	+[illegible]	+[illegible]	+[illegible]	+[illegible]
Utah.....	[illegible]	[illegible],[illegible]	[illegible],[illegible]	[illegible],[illegible]	[illegible].14	45.35	+[illegible]	+37.1	+[illegible]	+[illegible]
Vt.....	[illegible]	[illegible]	[illegible]	[illegible],427	[illegible].36	60.78	-7.2	-6.4	+[illegible]	+[illegible]
Wash.....	[illegible]	20,[illegible]	[illegible],[illegible]	[illegible],[illegible],[illegible]	231.54	54.53	+4.4	+5.5	+[illegible]	+[illegible]
W. Va.....	[illegible]	[illegible],741	[illegible],[illegible]	414,743	132.72	24.77	-11.3	-22.1	-25.7	-32.8

1/ Data for this segment of the program, shown separately here, are included in data for the total program. All data subject to revision. Data include non-medical vendor payments other than those for institutional services in intermediate care facilities.

2/ Includes as recipients the children and 1 or both parents or 1 caretaker relative other than a parent in families in which the requirements of such adults were considered in determining the amount of assistance.

3/ Estimated by State.

4/ Increase of more than 1,000 percent.

5/ Average payment not computed on base of fewer than 50 recipients; percentage change on fewer than 100 recipients.

6/ Program initiated April 1971.

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Table 8.--Aid to families with dependent children, unemployed-parent segment: Recipients of money payments and amount of payments, by State, September 1971 1/

(Excludes vendor payments for institutional services in intermediate care facilities and for medical care and cases receiving only such payments)

State	Number of families	Number of recipients		Payments to recipients			Percentage change from--			
		Total 2/	Children	Total amount	Average per--		August 1971 in--		September 1970 in--	
					Family	Recipient	Number of recipients	Amount	Number of recipients	Amount
Total.....	129,041	615,155	372,896	3/$32,328,521	3/ $248.51	3/ $52.13	-2.9	3/ -2.5	+9.2	3/ +21.4
Calif. 4/.....	53,769	245,088	148,953	12,277,971	228.35	50.10	-5.0	-5.4	+9.1	+22.3
Colo.....	2,115	9,857	5,662	538,257	254.50	54.61	-2.1	-.4	+36.0	+37.5
Del.....	175	870	525	54,664	312.37	62.83	-6.8	+60.1	+103.7	+287.6
D. C.....	759	3,254	2,229	146,356	192.83	44.98	+20.8	+19.3	+942.9	+726.7
Guam.....	1	7	5	376	(5/)	(5/)	(5/)	(5/)	(6/)	(6/)
Hawaii.....	842	3,865	2,181	329,315	391.11	85.20	+7.4	+8.5	+134.5	+199.8
Ill.....	16,174	82,075	50,277	4,511,863	278.96	54.97	+3.9	+3.0	+158.2	+168.2
Kans. 7/.....	921	4,463	2,623	242,924	263.75	54.43	---	---	---	---
Maine.....	669	3,717	2,393	147,450	214.01	39.67	-7.7	-8.0	+112.2	+114.8
Md.....	716	3,437	2,034	148,020	206.73	43.07	-1.4	-2.0	+78.7	+84.5
Mass.....	2,023	10,408	6,535	3/ 776,530	3/ 255.23	3/ 49.61	-1.2	3/-13.4	+60.0	3/ +33.9
Mich.....	11,115	54,759	33,166	3,323,155	298.08	60.50	+9.7	+8.7	+152.6	+163.9
Minn.....	1,275	5,918	3,426	390,652	313.45	67.53	+5.9	+5.9	+233.2	+248.3
Mo.....	744	4,134	2,606	131,524	172.15	31.82	+3.6	+3.0	+196.6	+209.1
Nebr.....	187	947	594	37,952	202.42	39.14	-7.5	-7.5	+66.7	+78.4
N. Y.....	11,219	56,124	34,500	3,506,822	312.58	62.48	-20.7	-16.8	-20.5	-9.9
Ohio.....	9,330	45,543	27,092	1,969,992	211.14	43.27	+4.7	+4.8	+150.1	+158.0
Okla.....	344	1,799	1,124	67,535	196.32	37.54	+2.4	+1.1	+91.6	+107.8
Oreg.....	2,715	12,703	7,500	629,609	231.90	49.56	+14.5	+18.7	-30.3	-23.5
Pa.....	3,418	16,282	9,527	842,754	246.56	51.76	+1.0	+.7	+.2	-4.8
R. I.....	633	4,300	2,604	210,681	238.60	49.00	+5.8	+5.4	+122.0	+182.3
Utah.....	1,961	9,930	5,763	461,573	230.29	47.14	-1.7	+2.2	+26.8	+25.8
Vt.....	388	1,936	1,167	120,817	311.38	62.41	+1.9	+4.7	+67.6	+84.1
Wash.....	4,532	19,271	10,456	1,094,862	241.58	56.81	-4.8	-.8	+49.7	+46.7
W. Va.....	2,726	14,618	9,994	378,067	138.69	25.52	-11.5	-8.8	-36.0	+36.9

1/ Data for this segment of the program, shown separately here, are included in data for the total program. All data subject to revision. Data include non-medical vendor payments other than those for institutional services in intermediate care facilities.

2/ Includes as recipients the children and 1 or both parents or 1 caretaker relative other than a parent in families in which the requirements of such adults were considered in determining the amount of assistance.

3/ Amount includes $240,200 representing grants for special needs for the quarter October-December 1971. The average payment and percentage changes exclude this amount. Including this amount the average payments, per family and per recipient, would be, respectively: U. S. total, $250.53 and $52.55; and Massachusetts, $293.95 and $74.01.

4/ Estimated by State.

5/ Average payment not computed on base of fewer than 50 recipients: percentage change on fewer than 100 recipients.

6/ Program initiated April 1971.

7/ Represents data for August; September data not available.

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Table 8.--Aid to families with dependent children, unemployed-parent segment: Recipients of money payments and amount of payments, by State, October 1971 1/

(Excludes vendor payments for institutional services in intermediate care facilities and for medical care and cases receiving only such payments)

State	Number of families	Number of recipients		Payments to recipients			Percentage change from--			
					Average per--		September 1971 in--		October 1970 in--	
		Total 2/	Children	Total amount	Family	Recipient	Number of recipients	Amount	Number of recipients	Amount
Total....	125,833	601,669	363,080	$32,168,691	$255.65	$53.47	-2.2	+0.4	-1.0	+12.3
Calif.....	51,445	237,123	143,035	12,314,348	239.37	51.93	-3.2	+.3	+.3	+16.1
Colo.....	2,053	9,796	5,654	520,947	253.75	53.18	-.6	-3.2	+24.6	+21.7
Del.....	143	638	355	24,537	171.59	38.46	-26.7	-35.1	+4.2	+40.9
D. C.....	691	3,045	2,063	144,885	209.67	47.58	-6.4	-1.0	+567.8	+463.3
Guam.....	1	7	5	261	(3/)	(3/)	(3/)	(3/)	(4/)	(4/)
Hawaii.....	878	3,989	2,233	326,182	371.51	81.77	+3.2	-1.0	+122.5	+186.7
Ill.....	16,126	81,817	50,120	4,619,549	286.47	56.46	-.3	+2.4	+140.4	+152.6
Kans.....	901	4,396	2,602	200,451	222.48	45.60	-4.4	-6.4	+67.9	+51.7
Maine.....	622	3,355	2,168	132,831	213.55	39.59	-9.7	-9.9	+82.1	+83.8
Md.....	645	3,204	1,391	138,099	214.11	43.10	-6.8	-6.7	+59.1	+70.0
Mass.....	1,992	10,230	6,419	592,263	297.32	57.89	-1.7	+14.7	+37.3	+26.7
Mich.....	11,372	55,393	33,498	3,354,205	297.57	60.55	+1.2	+1.2	+48.4	+77.5
Minn.....	1,376	6,383	3,678	428,922	311.72	67.20	+7.9	+7.3	+198.1	+228.8
Mo.....	735	4,000	2,524	127,439	173.39	31.86	-3.2	-3.1	+172.7	+184.0
Nebr.....	194	1,026	640	39,905	205.70	38.89	+6.1	+5.4	+64.2	+81.8
N. Y.....	10,076	50,414	30,946	3,276,857	325.21	65.00	-10.2	-6.6	-34.7	-27.5
Ohio.....	9,718	47,249	28,681	1,998,143	205.61	42.29	+3.8	+1.4	+147.4	+150.3
Okla.....	337	1,775	1,114	66,714	197.96	37.59	-1.3	-1.2	+82.6	+91.1
Oreg.....	2,971	13,676	8,059	684,558	230.41	50.06	+7.7	+8.7	-30.3	-20.1
Pa.....	3,452	16,359	9,541	967,853	280.37	59.16	+.5	+14.8	+1.4	+8.8
R. I.....	894	4,325	2,615	210,280	235.21	48.62	+.6	-.2	+72.4	+87.4
Utah.....	1,804	8,943	5,429	425,071	235.63	47.53	-6.6	-5.9	+13.0	+31.3
Vt.....	393	1,939	1,160	122,690	312.19	63.27	+.2	+1.6	+65.3	+82.9
Wash.....	4,385	18,896	10,059	1,108,512	241.77	58.68	-1.9	+1.2	+39.7	+36.1
W. Va.....	2,529	13,691	9,181	343,189	135.70	25.07	-7.6	-9.2	-38.8	-39.1

1/ Data for this segment of the program, shown separately here, are included in data for the total program. All data subject to revision. Data include non-medical vendor payments other than those for institutional services in intermediate care facilities.

2/ Includes as recipients the children and 1 or both parents or 1 caretaker relative other than a parent in families in which the requirements of such adults were considered in determining the amount of assistance.

3/ Average payment not computed on base of fewer than 50 recipients; percentage change on fewer than 100 recipients.

4/ Program initiated April 1971.

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Table 8.--Aid to families with dependent children, unemployed-parent segment: Recipients of money payments and amount of payments, by State, November 1971 1/

/Excludes vendor payments for institutional services in intermediate care facilities and for medical care and cases receiving only such payments/

State	Number of families	Number of recipients		Payments to recipients			Percentage change from--			
		Total 2/	Children	Total amount	Average per--		October 197' in--		November 1970 in--	
					Family	Recipient	Number of recipients	Amount	Number of recipients	Amount
Total....	127,723	609,550	367,063	$33,384,457	$261.38	$54.77	+1.3	+3.8	-13.7	+4.1
Calif.....	50,071	231,827	139,744	12,486,913	249.38	53.86	-2.2	+1.4	-10.3	+10.2
Colo.....	2,012	9,474	5,471	511,413	254.18	53.98	-3.3	-1.8	+14.6	+13.7
Del.....	191	844	529	38,941	215.14	44.05	+38.6	+58.7	+11.2	+50.3
D. C.....	799	3,464	2,364	162,787	203.74	46.99	+13.8	+12.4	+475.4	+381.8
Guam.....	(3/)	(3/)	(3/)	(3/)	---	---	---	---	---	---
Hawaii.....	925	4,205	2,355	326,410	352.88	77.62	+5.4	+.1	+123.2	+158.1
Ill.....	16,912	85,394	52,140	4,880,140	288.56	57.15	+4.4	+5.6	+135.1	+152.2
Kans.....	823	4,012	2,380	182,238	221.43	45.42	-8.7	-9.1	+37.3	+20.9
Maine.....	167	970	674	37,705	225.78	38.87	-71.1	-71.6	-55.2	-55.8
Md.....	738	3,486	2,041	150,804	204.34	43.26	+8.8	+9.2	+62.2	+72.8
Mass.....	1,973	10,145	6,385	651,760	330.34	64.24	-.8	+10.0	+22.6	+34.0
Mich.....	11,086	54,273	32,798	3,395,686	306.30	62.57	-2.0	+1.2	-44.3	-10.8
Minn.....	1,470	6,703	3,812	462,027	314.30	68.93	+5.0	+7.7	+165.6	+185.9
Mo.....	702	3,862	2,458	128,114	182.50	33.17	-3.3	+.5	+143.2	+163.0
Nebr.....	183	975	611	37,560	205.25	38.52	-5.0	-5.9	+49.8	+63.6
N. Y.....	9,558	47,715	29,220	3,163,731	331.00	66.30	-5.4	-3.5	-41.9	-34.6
Ohio.....	10,067	48,951	29,084	2,046,576	203.30	41.81	+3.6	+2.4	+123.4	+128.2
Okla.....	339	1,804	1,138	68,106	200.90	37.75	+1.6	+2.1	+82.6	+89.1
Oreg.....	3,591	16,482	9,642	783,537	218.19	47.54	+20.5	+14.5	-25.9	-21.6
Pa.....	4,861	23,049	13,465	1,395,636	287.11	60.55	+40.9	+44.2	+44.8	+53.3
R. I.....	895	4,238	2,604	213,470	241.21	49.67	-.6	+1.5	+68.8	+80.2
Utah.....	2,007	9,767	5,877	479,072	238.70	49.05	+9.2	+12.7	+19.7	+47.7
Vt.....	380	1,873	1,117	118,313	311.35	63.17	-3.4	-3.6	+49.0	+54.8
Wash.....	5,491	22,273	12,905	1,284,005	235.55	57.65	+17.9	+15.8	+31.9	+31.5
W. Va.....	2,520	13,556	9,083	374,320	148.56	27.62	-1.0	+9.1	-35.7	-28.0
Wis.....	22	104	65	5,133	(4/)	47.53	---	---	---	---

1/ Data for this segment of the program, shown separately here, are included in data for the total program. All data subject to revision. Data include non-medical vendor payments other than those for institutional services in intermediate care facilities.
2/ Includes as recipients the children and 1 or both parents or 1 caretaker relative other than a parent in families in which the requirements of such adults were considered in determining the amount of assistance.
3/ Program in operation; no payments made during November.
4/ Average payment not computed on base of fewer than 50 families.

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Table 8.--Aid to families with dependent children, unemployed-parent segment: Recipients of money payments and amount of payments, by State, December 1971 1/

(Excludes vendor payments for institutional services in intermediate care facilities and for medical care and cases receiving only such payments)

State	Number of families	Number of recipients		Payments to recipients			Percentage change from--			
		Total 2/	Children	Total amount	Average per--		November 1971 in--		December 1970 in--	
					Family	Recipient	Number of recipients	Amount	Number of recipients	Amount
Total....	135,731	648,634	391,145	3/$34,895,411	3/ $255.13	3/ $53.39	+6.4	3/ +3.7	-18.6	3/ -5.0
Calif.....	50,868	236,634	142,385	11,977,886	235.47	50.62	+2.1	-4.1	-19.2	-14.2
Colo.....	2,170	10,204	5,940	550,576	253.72	53.64	+8.3	+7.7	+11.4	+9.9
Del.....	160	798	487	27,444	171.52	34.39	-9.7	-29.5	+1.9	-4.4
D. C.....	950	4,233	2,941	192,431	202.56	45.46	+22.2	+18.2	+503.0	+380.2
Guam.....	(4/)	(4/)	(4/)	(4/)	---	---	---	---	---	---
Hawaii.....	977	4,436	2,484	366,443	375.07	82.61	+5.5	+12.3	+108.7	+151.2
Ill.....	18,619	93,668	57,074	5,409,486	290.54	57.75	+9.7	+10.8	+117.5	+121.0
Kans.....	741	3,667	2,194	170,933	230.68	46.61	-8.6	-6.2	+5.6	-4.1
Maine.....	144	858	609	33,115	229.97	38.60	-11.5	-12.2	-66.3	-66.9
Md.....	825	3,948	2,302	169,909	205.95	43.04	+13.3	+12.7	+41.1	+43.7
Mass.....	2,047	10,641	6,720	3/ 786,748	3/$254.40	3/ 48.94	+4.9	3/ -20.1	+23.0	3/ +19.5
Mich.....	11,766	57,582	34,769	3,592,793	305.35	62.39	+6.1	+5.8	-48.5	+1.9
Minn.....	1,626	7,440	4,235	566,549	348.43	76.15	+11.0	+22.6	+171.7	+216.6
Mo.....	728	3,981	2,525	131,828	181.08	33.11	+3.1	+2.9	+134.6	+151.3
Nebr.....	198	1,053	661	41,088	207.52	39.02	+8.0	+9.4	+35.3	+43.0
N. Y.....	9,389	46,816	28,505	3,105,288	330.74	66.33	-1.9	-1.8	-49.9	-40.9
Ohio.....	10,549	52,587	31,203	2,200,693	202.85	41.85	+7.4	+7.5	+106.5	+110.9
Okla.....	382	2,074	1,220	77,220	202.30	37.26	+15.0	+13.5	+70.3	+78.0
Oreg.....	4,426	20,515	12,978	964,665	217.95	47.02	+24.5	+23.1	-26.4	-24.2
Pa.....	5,335	24,836	14,388	1,359,119	254.76	54.61	+8.0	-2.6	+49.7	+41.5
R. I.....	859	4,324	2,614	209,828	244.03	48.53	+.6	-1.7	+36.7	+72.4
Utah.....	1,994	9,728	5,869	463,960	232.37	47.59	-.4	-3.4	+16.5	+37.5
Vt.....	367	1,825	1,096	112,807	307.35	61.81	-2.6	-4.7	+31.9	+33.7
Wash.....	6,406	27,615	15,379	1,522,033	237.56	55.12	+24.0	+18.5	+28.0	+19.3
W. Va.....	2,694	14,264	9,498	405,165	150.40	28.40	+5.2	+8.2	-32.7	-26.0
Wis.....	1,191	4,797	3,867	458,301	(3/)	95.54	(5/)	(5/)	---	---

1/ Data for this segment of the program, shown separately here, are included in data for the total program. All data subject to revision. Data include non-medical vendor payments other than those for institutional services in intermediate care facilities.

2/ Includes as recipients the children and 1 or both parents or 1 caretaker relative other than a parent in families in which the requirements of such adults were considered in determining the amount of assistance.

3/ Amount includes $2:5,000 representing grants for special needs for the quarter January-March 1972. The average payments and percentage changes exclude this amount. Including this amount the average payments, per family and per recipient would be, respectively: U. S. total, $257.09 and $53.80; and Massachusetts, $[illegible] and $73.94.

4/ Program in operation; no payments made in December.

5/ Program initiated October 1971.

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Table 8.--Aid to families with dependent children, unemployed-parent segment: Recipients of money payments and amount of payments, by State, January 1972 1/

/Excludes vendor payments for medical care and cases receiving only such payments/

State	Number of families	Number of recipients		Payments to recipients			Percentage change from--			
					Average per--		December 1971 in--		January 1971 in--	
		Total 2/	Children	Total amount	Family	Recipient	Number of recipients	Amount	Number of recipients	Amount
Total....	138,057	656,059	303,727	$35,824,811	$259.49	$54.61	+0.9	+2.6	-16.2	-5.2
Calif.....	56,777	233,149	139,997	12,004,233	236.41	51.49	-1.5	+.2	-26.3	-16.2
Colo.....	2,315	10,979	6,363	588,837	254.36	53.63	+7.0	+6.9	+5.8	+4.0
Del.....	182	806	542	29,663	162.98	33.11	+12.3	+8.1	+34.5	+32.4
D. C.....	1,055	4,478	3,074	201,187	190.70	45.44	+4.6	+4.6	+438.7	+328.3
Hawaii.....	1,035	4,762	2,688	368,237	355.78	77.33	+7.3	+.5	+91.4	+106.1
Ill.....	18,760	94,576	57,681	5,338,042	284.85	56.44	+1.0	-1.3	+89.0	+78.3
Kans.....	758	3,755	2,253	177,934	234.74	47.39	+2.4	+4.1	-7.4	-16.4
Maine.....	214	661	473	25,501	223.69	38.58	-23.0	-23.0	-79.8	-80.4
Md.....	991	4,609	2,733	197,851	199.65	42.93	+16.7	+16.4	+25.7	+29.7
Mass.....	2,092	10,756	6,754	651,549	311.45	60.58	+1.1	-17.2	+21.7	+23.1
Mich.....	12,860	62,142	37,373	4,051,529	316.53	65.18	+8.0	+12.8	+63.2	+83.9
Minn.....	1,821	8,322	4,725	628,302	345.03	75.50	+11.9	+10.9	+144.5	+184.1
Nebr.....	201	1,081	692	42,069	209.20	38.90	+2.7	+2.3	+11.3	+21.6
N. Y.....	9,438	46,654	28,362	3,221,384	341.32	69.05	-.3	+3.7	-53.3	-44.1
Ohio.....	11,331	55,197	32,627	2,309,479	242.04	41.84	+4.0	+4.9	+204.2	+104.3
Okla.....	438	2,328	1,487	86,992	208.18	37.35	+12.2	+12.5	+70.3	+75.1
Oreg.....	4,920	22,427	13,071	1,108,568	225.32	49.43	+9.3	+14.9	-30.2	-21.7
Pa.....	4,112	19,246	11,140	1,136,042	276.27	59.03	-22.7	-16.4	+9.6	+13.4
R. I.....	917	4,450	2,496	216,874	236.50	48.74	+2.9	+3.4	+23.7	+34.3
Utah.....	2,166	10,487	6,293	496,566	229.39	47.38	+7.8	+7.3	+15.8	+42.9
Vt.....	418	2,040	1,209	128,472	307.35	62.98	+11.8	+13.9	+13.1	+18.0
Wash.....	7,039	29,988	16,635	1,700,706	241.61	56.69	+8.6	+11.7	+21.7	+16.9
W. Va.....	2,445	12,673	8,404	371,849	152.09	29.34	-11.2	-8.2	-41.7	-31.9
Wis.....	1,862	3/ 10,423	3/ 6,418	742,695	398.87	71.26	+56.9	+58.1	(4/)	(4/)

1/ Data for this segment of the program, shown separately here, are included in data for the total program. All data subject to revision.
2/ Includes as recipients the children and 1 or both parents or 1 caretaker relative other than a parent in families in which the requirements of such adults were considered in determining the amount of assistance.
3/ Partly estimated by State
4/ Program initiated October 1971.

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Table 6.--Aid to families with dependent children, unemployed-parent segment: Recipients of money payments and amount of payments, by State, February 1972 1/

/Excludes vendor payments for medical care and cases receiving only such payments/

State	Number of families	Number of recipients		Payments to recipients			Percentage change from--			
		Total 2/	Children	Total amount	Average per--		January 1972 in--		February 1971 in--	
					Family	Recipient	Number of recipients	Amount	Number of recipients	Amount
Total....	143,422	479,350	408,186	$39,002,783	$271.94	$57.41	+3.6	+8.9	-17.4	-2.3
Calif.....	53,146	244,116	146,861	14,611,729	274.94	59.86	+4.7	+21.7	-24.9	-1.2
Colo.....	2,456	11,551	6,652	620,651	252.71	53.73	+5.2	+5.4	+2.0	-.2
Del.....	148	720	436	25,499	172.29	35.42	-19.6	-14.0	-11.8	-9.5
D. C.....	1,135	4,742	3,298	215,840	190.17	45.52	+7.1	+7.3	+354.2	+265.5
Hawaii.....	1,061	4,929	2,801	391,502	368.99	79.53	+3.4	+6.3	+79.3	+109.0
Ill.....	19,065	96,313	58,774	5,332,069	279.68	55.36	+1.8	-.1	+65.2	+61.1
Kans.....	773	3,845	2,305	175,653	227.24	45.68	+2.4	-1.3	-21.0	-32.6
Maine.....	106	604	431	23,596	222.60	39.07	-8.6	-7.5	-85.5	-85.8
Md.....	1,010	4,702	2,778	204,775	202.75	43.55	+2.0	+3.5	+9.4	+12.7
Mass.....	2,153	10,976	6,871	664,719	308.74	60.56	+2.0	+2.0	+12.6	+11.5
Mich.....	13,419	64,399	38,920	4,293,200	319.93	66.15	+4.4	+6.0	+61.7	+79.2
Minn.....	1,871	8,422	4,934	657,648	351.60	76.30	+3.6	+4.7	+118.2	+145.8
Nebr.....	155	1,005	634	39,513	213.58	39.32	-7.0	-6.0	-10.3	-1.2
N. Y.....	9,314	46,144	28,142	3,008,673	323.03	65.20	-1.1	-6.6	-55.6	-49.4
Ohio.....	12,134	58,275	34,409	2,446,492	201.79	41.98	+5.6	+5.9	+88.2	+87.9
Okla.....	422	2,412	1,531	90,874	201.05	37.68	+3.6	+4.5	+50.9	+54.0
Oreg.....	2,107	23,118	13,515	1,103,918	216.16	47.75	+3.1	-.4	-27.4	-22.7
Pa.....	4,081	19,056	10,959	1,084,730	265.80	56.95	-1.0	-4.5	+5.1	-1.6
R. I.....	923	4,463	2,685	216,154	234.19	48.43	+.3	-.3	+16.1	+18.7
Utah.....	2,094	10,058	6,527	497,873	238.90	49.50	-4.1	+.2	+7.1	+31.4
Vt.....	307	2,423	1,425	156,179	338.05	64.19	+19.3	+21.6	+10.5	+16.7
Wash.....	7,551	32,494	17,863	1,957,296	259.20	60.99	+7.0	+15.1	+25.1	+29.0
W. Va.....	2,403	12,334	8,147	324,719	136.81	26.65	-2.7	-11.6	-44.4	-43.2
Wis.....	2,348	11,944	7,249	855,291	364.26	71.54	+21.9	+14.5	(3/)	(3/)

1/ Data for this segment of the program, shown separately here, are included in data for the total program. All data subject to revision.
2/ Includes as recipients the children and 1 or both parents or 1 caretaker relative other than a parent in families in which the requirements of such adults were considered in determining the amount of assistance.
3/ Program initiated October 1971.

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Table 8.--Aid to families with dependent children, unemployed-parent segment: Recipients of money payments and amount of payments, by State, March 1972 1/

(Excludes vendor payments for medical care and cases receiving only such payments)

State	Number of families	Number of recipients		Payments to recipients			Percentage change from--			
		Total 2/	Children	Total amount	Average per--		February 1972 in--		March 1971 in--	
					Family	Recipient	Number of recipients	Amount	Number of recipients	Amount
Total....	145,216	685,522	411,018	3/ $42,092,270	3/ $289.86	3/ $61.40	+0.9	3/ +7.9	-21.1	3/ +1.1
Calif.....	54,781	250,203	150,512	17,483,295	319.15	69.88	+2.5	+19.7	-27.0	+17.6
Colo.....	2,452	11,556	6,674	623,089	254.11	53.92	(4/)	+.4	+1.0	-.7
Del.....	177	853	510	29,057	164.16	34.06	+18.5	+14.0	+.9	-3.5
D. C.....	1,214	5,110	3,576	228,911	188.56	44.80	+7.8	+6.1	+301.7	+221.1
Hawaii.....	1,088	5,041	2,865	395,697	363.69	78.50	+2.4	+1.1	+76.8	+80.1
Ill.....	19,246	97,038	59,182	5,432,721	282.28	55.99	+.8	+1.9	+38.8	+35.3
Kans.....	714	3,625	2,173	165,166	231.32	45.56	-5.7	-6.0	-31.9	-42.0
Maine.....	92	531	383	20,528	223.24	38.68	-12.1	-13.0	-88.7	-89.1
Md.....	998	4,651	2,743	200,608	201.01	43.13	-1.1	-2.0	+11.3	+12.5
Mass.....	2,265	11,204	6,984	3/ 846,844	3/ 373.88	3/ 75.58	+2.1	3/ +27.4	+5.0	3/ +8.3
Mich.....	13,390	64,991	38,932	4,242,463	316.84	65.28	+.1	-1.2	+43.8	+55.3
Minn.....	1,958	8,916	5,060	665,431	339.85	74.63	+3.4	+1.2	+92.9	+113.5
Nebr.....	169	887	549	34,892	206.46	39.34	-11.7	-11.7	-24.4	-16.2
N. Y.....	9,030	44,320	26,901	3,008,390	333.16	67.88	-4.0	(5/)	-59.0	-51.3
Ohio.....	12,896	60,719	35,799	2,561,030	202.20	42.18	+4.2	+4.7	+70.7	+71.4
Okla.....	457	2,419	1,523	92,730	202.91	38.33	+.3	+2.3	+23.8	+28.2
Oreg	4,953	22,672	13,301	1,126,216	227.38	49.67	-1.8	+2.0	-22.5	-11.6
Pa.....	4,010	18,604	10,679	1,045,708	260.78	56.21	-2.3	-3.6	+2.9	-5.2
R. I.....	856	4,078	2,438	196,316	229.34	48.14	-8.6	-9.2	+1.1	+6.7
Utah.....	2,161	10,414	6,227	508,046	235.10	48.78	+3.5	+2.0	+15.4	+45.4
Vt	593	2,848	1,670	180,614	304.58	63.42	+17.1	+15.6	+14.7	+19.7
Wash.....	6,958	29,515	16,425	1,734,689	249.39	58.84	-8.9	-11.3	+17.6	+21.2
W. Va.....	2,271	11,754	7,750	298,046	131.24	25.36	-4.7	-9.3	-48.2	-48.7
Wis	2,717	13,573	8,162	969,732	356.91	71.45	+13.5	+13.4	(6/)	(6/)

1/ Data for this segment of the program, shown separately here, are included in data for the total program. All data subject to revision.
2/ Includes as recipients the children and 1 or both parents or 1 caretaker relative other than a parent in families in which the requirements of such adults were considered in determining the amount of assistance.
3/ Amount includes $260,000 representing grants for special needs for the quarter April-June 1972. The average payments and percentage changes are affected accordingly.
4/ Increase of less than 0.05 percent.
5/ Decrease of less than 0.05 percent.
6/ Program initiated October 1971.

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Table 8.--Aid to families with dependent children, unemployed-father segment: Recipients of money payments and amount of payments, by State, April 1972 1/

[Excludes vendor payments for medical care and cases receiving only such payments]

State	Number of families	Number of recipients		Payments to recipients			Percentage change from--			
					Average per--		March 1972 in--		April 1971 in--	
		Total 2/	Children	Total amount	Family	Recipient	Number of recipients	Amount	Number of recipients	Amount
Total.....	139,380	659,926	396,104	$36,933,190	$264.98	$55.97	-3.7	-12.3	-23.4	-9.9
Calif.....	52,931	243,072	146,364	13,717,428	259.16	56.43	-2.9	-21.5	-26.4	-3.9
Colo.....	2,347	10,960	6,343	597,389	254.53	54.51	-5.2	-4.1	-4.3	-5.4
Del.....	166	799	474	28,270	170.30	35.38	-6.3	-2.7	-6.4	-10.4
D. C.....	1,284	5,358	3,769	238,800	186.05	44.59	+4.9	+4.4	+280.3	+226.1
Hawaii.....	1,142	5,311	3,027	397,952	348.50	74.94	+5.4	+.6	+77.7	+77.8
Ill.....	18,619	94,043	57,417	5,199,759	279.27	55.29	-3.1	-4.3	+24.9	+19.2
Kans.....	616	3,143	1,881	174,164	282.73	55.41	-13.3	+5.4	-35.8	-34.7
Maine.....	94	546	394	21,128	224.77	38.70	+2.8	+2.9	-88.6	-88.9
Md.....	868	4,113	2,413	178,814	206.01	43.48	-11.6	-10.9	+21.2	+23.7
Mass.....	2,411	11,864	7,391	689,544	286.00	58.12	+5.9	-18.6	+7.5	+6.1
Mich.....	12,154	59,178	25,262	3,821,148	314.39	64.57	-8.9	-9.9	+21.1	+34.1
Minn.....	1,694	8,635	4,918	659,026	347.95	76.32	-3.2	-1.0	+73.8	+87.4
Nebr.....	138	782	504	29,927	216.86	38.27	-11.8	-14.2	-36.3	-36.6
N. Y.....	8,482	41,661	35,262	2,910,715	343.16	69.87	-6.0	-3.2	-60.2	-51.0
Ohio.....	12,793	61,251	36,081	2,590,512	202.49	42.29	+.9	+1.1	+55.9	+54.8
Okla.....	404	2,126	1,333	80,707	199.77	37.96	-12.1	-13.0	-.2	+3.3
Oreg.....	4,355	19,840	11,649	952,625	218.74	48.02	-12.5	-15.4	-22.6	-14.9
Pa.....	3,944	18,316	10,545	970,958	246.19	52.95	-1.4	-7.1	+6.9	+.5
R. I.....	800	3,458	2,307	188,633	235.79	49.15	-5.9	-3.9	-4.3	+2.0
Utah.....	2,042	9,831	5,854	509,534	249.53	51.99	-5.9	+.3	+4.2	+16.0
Vt.....	626	3,012	1,765	192,288	306.19	63.84	+5.8	+6.5	+29.3	+36.9
Wash.....	6,290	27,066	15,011	1,580,466	251.30	58.40	-8.3	-9.0	+10.4	+19.2
W. Va.....	2,134	11,223	7,429	304,213	141.23	27.11	-4.5	+2.1	-49.8	-46.8
Wis.....	2,824	13,968	8,374	898,870	318.30	64.35	+2.9	-7.3	(3/)	(3/)

1/ Data for this segment of the program, shown separately here, are included in data for the total program. All data subject to revision.
2/ Includes as recipients the children and 1 or both parents or 1 caretaker relative other than a parent in families in which the requirements of such adults were considered in determining the amount of assistance.
3/ Program initiated October 1971.

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Table 8.--Aid to families with dependent children, unemployed-father segment: Recipients of money payments and amount of payments, by State, May 1972 1/

(Excludes vendor payments for medical care and cases receiving only such payments)

State	Number of families	Number of recipients		Payments to recipients			Percentage change from--			
		Total 2/	Children	Total amount	Average per--		April 1972 in--		May 1971 in--	
					Family	Recipient	Number of recipients	Amount	Number of recipients	Amount
Total.....	133,790	630,452	378,233	$34,206,400	$251.15	$55.40	-4.5	-5.5	-23.6	-11.4
Calif.....	50,479	259,999	138,604	12,505,256	247.73	54.37	-5.4	-8.8	-26.6	-9.4
Colo.....	2,261	10,525	6,137	574,034	253.89	54.48	-3.9	-3.9	-1.1	-2.8
Del.....	141	659	385	23,038	163.42	34.94	-17.5	-18.5	-15.8	-20.0	
D. C.....	1,294	5,383	3,869	237,279	183.37	44.08	+.5	-.7	+255.3	+206.1
Hawaii.....	1,151	5,358	3,072	423,911	368.30	79.12	+.9	+6.5	+68.0	+78.9
Ill.....	15,261	91,220	56,030	5,068,179	278.46	55.20	-2.4	-2.5	+21.4	+17.3
Kans.....	553	2,846	1,728	159,178	287.84	55.54	-8.8	-8.6	-30.3	-33.7
Maine.....	92	531	383	20,491	222.73	38.59	-2.7	-3.0	-80.7	-83.0
Md.....	816	3,876	2,282	166,240	203.73	42.89	-5.8	-7.0	+24.0	+28.0
Mass.....	2,343	11,551	7,166	685,567	292.60	59.35	-2.6	-.6	-1.2	+2.2
Mich.....	11,364	55,324	33,104	3,601,316	316.91	65.02	-6.4	-5.8	+15.7	+25.0
Minn.....	1,846	8,414	4,814	641,447	347.48	76.24	-2.6	-2.7	+74.7	+101.4
Nebr.....	131	747	482	28,279	215.87	37.86	-4.5	-5.5	-37.5	-40.2
N. Y.....	7,[illegible]	38,[illegible]3	23,643	2,630,674	332.32	67.73	-6.8	-9.6	-61.1	-52.8
Ohio.....	12,[illegible]	61,203	35,911	2,582,873	202.70	42.36	-.4	-.3	+48.8	+47.6
Okla.....	373	1,929	1,232	72,579	193.04	38.29	-9.3	-8.5	-7.3	-4.1
Oreg.....	3,[illegible]99	16,814	9,[illegible]12	[illegible]31,475	224.78	49.45	-15.3	-12.7	-21.2	-21.3
Pa.....	3,[illegible]40	17,[illegible]91	10,[illegible]95	1,041,254	269.75	58.10	-2.3	+7.2	-9.3	+10.2
R. I.....	781	3,[illegible]00	2,215	182,[illegible]76	234.28	49.59	-3.9	-3.0	-6.7	-4.4
Utah.....	2,020	9,733	5,837	500,121	247.58	51.38	-.7	-1.8	+11.5	+34.4
Vt.....	645	3,121	1,841	2,[illegible]8 1[illegible]3	307.26	63.50	+3.6	+3.1	+33.4	+40.9
Wash.....	5,[illegible]7[illegible]	24,[illegible]6	13,[illegible]74	1,[illegible]21,[illegible]32	246.34	59.32	-3.6	-6.[illegible]	+11.8	+21.3
W. Va.....	1,[illegible]28	10,[illegible]9	7,926	[illegible]71,[illegible]78	225.[illegible]	25.[illegible]	-6.9	-10.3	-[illegible].2	-[illegible].4
Wis. 3/.....	3,[illegible]00	15,369	9,183	1,[illegible]9,026	347.30	67.02	+9.9	+12.2	(4/)	(4/)

1/ Data for this segment of the program, shown separately here, are included in data for the total program. All data subject to revision.
2/ Includes as recipients the children and 1 or both parents or 1 caretaker relative other than a parent in families in which the requirements of such adults were considered in determining the amount of assistance.
3/ Estimated by State.
4/ Program initiated October 1971.

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Table 8.--Aid to families with dependent children, unemployed-father segment: Recipients of money payments and amount of payments, by State, June 1972 1/

/Excludes vendor payments for medical care and cases receiving only such payments/

State	Number of families	Number of recipients		Payments to recipients			Percentage change from--			
					Average per--		May 1972 in--		June 1971 in--	
		Total 2/	Children	Total amount	Family	Recipient	Number of recipients	Amount	Number of recipients	Amount
Total....	127,194	595,650	357,369	3/$33,829,649	3/$265.97	3/ $56.79	-5.3	3/ -2.9	-25.0	3/-13.8
Calif.....	47,013	212,330	128,002	12,332,840	262.33	58.08	-7.7	-1.4	-27.9	-13.1
Colo.....	2,043	9,525	5,550	500,397	244.93	52.54	-9.6	-12.8	-6.7	-12.0
Del.....	127	596	349	20,720	163.15	34.77	-9.6	-10.0	-34.8	-32.4
D. C.....	1,929	6,146	4,399	261,740	135.69	42.59	+14.2	+10.3	+165.1	+145.0
Hawaii.....	1,112	5,183	2,981	394,140	354.44	76.04	-3.3	-7.0	+59.1	+54.8
Ill.....	17,308	87,501	53,500	4,710,851	272.18	53.84	-4.7	-7.1	+12.5	+10.7
Kans.....	516	2,647	1,579	146,506	283.93	55.35	-7.6	-8.0	-39.7	-37.2
Maine.....	87	498	359	19,193	220.61	38.54	-6.2	-6.3	-89.2	-89.5
Md.....	767	3,647	2,116	156,595	204.17	42.94	-5.9	-5.8	+17.4	+19.1
Mass.....	2,436	11,884	7,369	3/ 891,102	3/ 365.81	3/ 74.98	+2.9	3/+30.0	-4.7	3/ -2.1
Mich.....	11,189	54,497	32,537	3,574,868	319.49	65.60	-1.6	-.7	+17.7	+26.4
Minn.....	1,714	7,774	4,445	588,527	349.20	76.99	-7.6	-6.7	+62.3	+84.1
Nebr.....	101	553	382	22,596	223.72	38.76	-22.0	-20.1	-47.7	-49.1
N. Y.....	7,429	36,496	22,170	2,516,325	338.72	68.95	-6.0	-4.3	-61.7	-51.9
Ohio.....	12,342	59,010	34,763	2,504,701	202.94	42.45	-3.3	-3.1	+40.2	+39.1
Okla.....	317	1,661	1,047	62,329	196.62	37.52	-13.9	-15.6	-15.4	-14.2
Oreg.....	3,246	14,758	8,635	721,659	222.32	48.80	-12.0	-13.2	-11.9	+5.7
Pa.....	3,779	17,589	10,119	1,006,873	266.44	57.24	-1.9	-3.3	+7.8	+3.8
R. I.....	756	3,564	2,115	175,073	231.58	49.12	-3.4	-4.3	-8.1	-9.2
Utah.....	2,092	9,639	5,759	494,516	247.01	51.31	-1.0	-1.1	+8.9	+12.4
Vt.....	596	2,920	1,737	185,403	311.08	63.49	-6.4	-6.4	+32.5	+41.0
Wash.....	5,474	22,259	11,959	1,308,523	239.04	58.81	-9.1	-9.8	+5.6	+17.1
W. Va.....	1,879	9,970	6,595	263,514	140.24	26.43	-4.6	-2.9	-49.5	-46.9
Wis. 4/.....	3,032	14,953	8,902	960,919	316.93	64.26	+6.1	+3.9	(5/)	(5/)

1/ Data for this segment of the program, shown separately here, are included in data for the total program. All data subject to revision.
2/ Includes as recipients the children and 1 or both parents or 1 caretaker relative other than a parent in families which requirements of such adults were considered in determining the amount of assistance.
3/ Amount includes $297,000 representing grants for special needs in Massachusetts for the quarter July-September 1972. The average payments and percentage changes are affected accordingly.
4/ Estimated by State
5/ Program initiated October 1971.

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APPENDIX C

PER CENT OF UI CLAIMANTS ENTITLED TO MAXIMUM WEEKLY BENEFITS, JAN.-MAR. 1972

State	%	State	%
Alabama	43.5	Montana	62.1
Alaska	57.0	Nebraska	64.9
Arizona	INA.	Nevada	47.2
Arkansas	23.0	New Hampshire	22.2
California	34.5	New Jersey	43.2
Colorado	20.5	New Mexico	37.2
Connecticut	36.5	New York	43.9
Delaware	54.2	North Carolina	12.6
District of Columbia	26.8	North Dakota	65.5
Florida	49.7	Ohio	71.5
Georgia	50.2	Oklahoma	35.8
Guam	-	Oregon	51.3
Hawaii	37.5	Pennsylvania	32.8
Idaho	58.1	Puerto Rico	15.6
Illinois	45.9	Rhode Island	INA.
Indiana	71.5	South Carolina	27.7
Iowa	70.2	South Dakota	64.0
Kansas	58.1	Tennessee	37.5
Kentucky	52.5	Texas	47.8
Louisiana	61.2	Utah	34.9
Maine	45.3	Vermont	48.0
Maryland	41.1	Virginia	40.3
Massachusetts	47.4	Virgin Islands	-
Michigan	72.2	Washington	58.7
Minnesota	57.4	West Virginia	19.6
Mississippi	43.4	Wisconsin	42.6
Missouri	59.1	Wyoming	67.6
Total	45.4		

Source: U.S. Department of Labor, Manpower Administration.

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APPENDIX D

AVERAGE MONTHLY FAMILY PAYMENTS UNDER AFDC-UF AND NON-UF AFDC IN 24 STATES WITH AFDC-UF PROGRAMS, JUNE 1972

State	Average non-UF Family Payments	Average AFDC-UF Family Payments	Amount UF Segment Average Exceeds Regular AFDC
1. California	$204.99	$262.33	$ 57.34
2. Colorado	168.65	244.93	76.28
3. Delaware	118 86	163.15	44.29
4. District of Columbia	201.16	135.69	(-65.47)[a]
5. Hawaii	271.94	354.44	82.50
6. Illinois	223.57	272.18	48.61
7. Kansas	201.72	283.93	82.21
8. Maine	139.76	220.61	80.85
9. Maryland	156.30	204.17	47.87
10. Massachusetts	345.03	365.81	20.78
11. Michigan	231.28	319.49	88.21
12. Minnesota	232.27	349.20	116.93
13. Nebraska	148.47	223.72	75.25
14. New York	253.79	338.72	84.93
15. Ohio	155.66	202.94	47.28
16. Oklahoma	136.68	196.62	59.94
17. Oregon	159.47	222.32	62.85
18. Pennsylvania	231.62	266.44	34.82
19. Rhode Island	233.10	231.58	(-1.52)[a]
20. Utah	180.77	247.01	66.24
21. Vermont	225.81	311.08	85.27
22. Washington	202.88	239.04	36.16
23. West Virginia	109.96	140.24	30.28
24. Wisconsin	246.52	316.93	70.41
24 State Average	219.08	265.97	46.89

Source: USDHEW, National Center for Social Statistics, Public Assistance Statistics, June 1972 (NCSS Report A-2), 6/72, Tables 7 and 8.

[a]Regular AFDC average exceeds AFDC-UF average.

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UNITED STATES DISTRICT COURT
DISTRICT OF VERMONT

[Filed December 11, 1972]

[Title Omitted in Printing]

MOTION TO INTERVENE

Now come Roger C. and Arlene M. Derosia, and Larry, Harold, Arthur, Mary and Brian Derosia, minor children of Roger and Arlene Derosia, by their attorney, Richard S. Kohn, Vermont Legal Aid, Inc. pursuant to Rule 24 (b) and (c), Federal Rules of Civil Procedure, to move this Honorable Court to permit them to intervene in the above case. In support of their motion herein, said parties stipulate and certify as follows:

1. That they reside in Swanton, Franklin County in the State of Vermont.

2. That their claims against the above defendants present questions of law and/or facts in common with the original plaintiffs' main action in that the intervenors are deprived of ANFC-UF because the father is receiving state unemployment compensation, which is much lower than the ANFC benefits. (Please see Intervenors' complaint which is attached hereto.)

3. That their intervention in the above cause will not unduly delay or prejudice the adjudication of the rights of the original parties.

Dated at St. Johnsbury in the County of Caledonia and State of Vermont this 11 day of December, 1972.

/s/ Richard S. Kohn
RICHARD S. KOHN
Vermont Legal Aid, Inc.
St. Johnsbury, Vermont 05819
56 Railroad Street
Attorney for Intervenors

UNITED STATES DISTRICT COURT
DISTRICT OF VERMONT

[Filed February 24, 1973]

[Title Omitted in Printing]

STIPULATION

It is hereby stipulated and agreed by and between the undersigned attorneys for the respective parties hereto as follows:

1. Plaintiffs Jean Glodgett and Deanne Glodgett are citizens of the United States, residents of Orleans in the State of Vermont, and the parents of plaintiff Tina Glodgett, their minor child, who resides with them.

2. On December 17, 1971, Mr. Glodgett applied for ANFC at the Newport District Office of the Department of Social Welfare and his application was accepted. On December 20, 1971, the family received its first check in the amount of $93.00, covering the balance of December. Thereafter, the family received a monthly benefit of $239.00.

3. On January 10, 1972, Mr. Glodgett began receiving unemployment compensation from New Hampshire in the amount of $14.00 per week. On January 12, 1972, he was notified by letter that his ANFC benefits would be terminated beginning February 16, 1972, because he was receiving unemployment compensation.

4. Mr. Glodgett stopped receiving unemployment compensation in March, 1972. On April 5, 1972, a new ANFC grant was approved for the family. The family received a check for $223.00 for the balance of April and $239 beginning May 1. The grant was terminated on July 1 due to the fact that Mr. Glodgett had become employed. On April 21, 1972, the family again received an ANFC grant due to incapacity of Mr. Glodgett. The grant was discontinued on November 16, 1972, when Mr. Glodgett returned to work.

5. Plaintiffs Roger and Rosamond Percy are citizens of the United States and residents of Orleans in the State of Vermont. Plaintiffs Sheila, Charon, Roger, Mary, Matthew, and Sharon Percy are their minor children who reside with them.

6. Roger Percy was employed as a trucker by Orlando Construction Company until December 4, 1972, when he was laid off. He applied for ANFC-UF on December 6, 1972. On December 10, 1971, he began drawing unemployment compensation in the amount of $43.00 per week. His ANFC application was denied on December 20, 1971, for the sole reason that he was receiving unemployment compensation. If he was eligible for ANFC he would have drawn $410.00 per month for his family. His monthly unemployment compensation was approximately $172.00. On several occasions the family obtained General Assistance benefits to help them buy groceries. As of October 28, 1972, Mr. Percy was no longer eligible for unemployment compensation. As of November 6, 1972, his family has been receiving ANFC-UF.

7. Roger C. Derosia and Arlene M. Derosia are citizens of the United States and residents of Swanton in the State of Vermont. Larry, Harold, Arthur, Mary and Brian Derosia are their minor children and reside with them. Mr. Derosia was employed by O. C. McCuin in Highgate Center, Vermont, for three years. He terminated his employment on August 25, 1972. On September 8, 1972, he applied for ANFC-UF. The Department of Social Welfare put the family on General Assistance. On or about October 25, 1972, a decision was made to grant the family ANFC-UF retroactive to September 24, 1972. The grant was in the amount of $394.00 per month. On November 6, 1972, Mrs. Derosia notified the Department of Social Welfare that the family was getting unemployment compensation of $56.00 per week. For this reason, the ANFC-UF grant was terminated as of December 1, 1972.

Dated at St. Johnsburg, Vermont this 11 day of December, 1972.

/s/ Richard S. Kohn
RICHARD S. KOHN, ESQ.
56 Railroad Street
Vermont Legal Aid, Inc.
St. Johnsbury, Vermont 05819
Attorney for Plaintiffs

Dated at Montpelier, Vermont, this — day of December, 1972.

/s/ D. Eugene Wilson
EUGENE WILSON, ESQ.
Assistant Attorney General
8 State Street
Montpelier, Vermont 05602
Attorney for Defendant Betit

Dated at Rutland, Vermont, this — day of December, 1972.

/s/ Carter LaPrade
CARTER LAPRADE, ESQ.
Assistant U.S. Attorney
Federal Building
Rutland, Vermont 05701
Attorney for Defendant Richardson

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

[Filed March 2, 1973]

[Title Omitted in Printing]

ANSWER TO INTERROGATORIES

1. Bert N. Smith, I have a Bachelor of Arts degree from the University of Vermont in Burlington, a Master of Social Work degree from the University of Connecticut in Hartford, Connecticut, and am a member of the Academy of Certified Social Workers.
2. Approximately 15 years.
3. Director of the Aid to Needy Families with Children Program.
4. Since April 14, 1971.
5. I am directly responsible to the Commissioner of Social Welfare for all matters pertaining to the ANFC Program administration to include program planning, legislation, policies, procedure, evaluation, and budgeting.
6. Yes.
7. Yes.
8. No, since the family must first live upon the UCC benefits available each week in addition to having monthly income of $1.00 below the payment level under ANFC.
9. Not answered.
10. As indicated in answer #8, General Assistance is not automatic in such cases. In most instances the level of UCC benefits is less than the ANFC payment standards. It is quite likely if UCC benefits are exhausted and no money is available to meet an essential emergency need, some General Assistance might become available. However, even then the combination of both UCC and GA benefits would still not equal the level of payment under the ANFC Program.
11. Yes.

12. Sex discrimination is evidenced by the application of the Federally mandated law since a female may draw UCC and ANFC benefits concurrently while a man cannot.

13. Yes.

14. It is my personal opinion that on its face the Federal law is irrational when viewed from the knowledge of present day job markets. The only basis I can see for the law was that men are viewed by Congress and society as the principal bread winner in a family and thus it would appear that keeping compensation during a period of unemployment at a low level would cause them to seek work more actively and eagerly. This philosophy makes no sense at all when suitable jobs are not available. Further the Federal law mandates that a father be unemployed for 30 days before he be considered to meet the Federal definition and certainly after this period if he is not employed but receiving UCC benefits I can see nothing to be gained by having a family with minor children living on a standard which may be less than that recognized by the Welfare agency as necessary to sustain a level of decency and health.

15. No. Only the Commissioner of Social Welfare is so empowered. I can recommend on matters pertaining to Welfare policy.

16. Not answered.

17. Yes.

18. It is my opinion Congress should change the Federal law to remove the prohibition of concurrent receipt of UCC and ANFC benefits when the UCC benefits do not equal the state ANFC assistance level. My reasons for this position have been clarified by my answer to question # 14.

19. Yes.

20. It is my opinion that there is no evidence to indicate that the Federal law has had the effect of increasing the number of families on the ANFC Program because of a deserting father.

/s/ Bert N. Smith
BERT N. SMITH
ANFC Program Director for
the State of Vermont

AFFIDAVIT

I, Bert N. Smith, ANFC Program Director for the State of Vermont, being duly sworn according to law, depose and state the the answers to the aforesaid Interrogatories are correct to the best of my knowledge, information, and belief.

/s/ Bert N. Smith
BERT N. SMITH

Sworn to and subscribed before me this 1st day of Sept., 1972.

/s/ Samuel A. McLaughlin
Notary Public

UNITED STATES DISTRICT COURT
DISTRICT OF VERMONT

[Filed March 5, 1973]

[Title Omitted in Printing]

COMPLAINT

I. This is a suit for a declaratory judgment that 42 U.S.C. § 607(b)(2)(c)(ii); 45 C.F.R. §§ 233.100(a)(5)(ii) and 233.100(c)(v)(b); and Vermont Welfare Regulation 2331.31(3) violate the due process and equal protection clauses of the fifth and fourteenth amendments to the United States Constitution insofar as they render children of unemployed fathers ineligible to receive ANFC benefits during any week that the father is receiving unemployment compensation under state unemployment compensation law. The action against the Commissioner of Social Welfare is based on 42 U.S.C. § 1983. Plaintiffs also seek damages and injunctive relief against the Commissioner of the Vermont Department of Social Welfare and relief in the nature of mandamus as against the Secretary of the Department of Health, Education and Welfare.

II JURISDICTION

A. Jurisdiction against the Commissioner of the Vermont Department of Social Welfare is invoked pursuant to 28 U.S.C. § 1343(3)-(4) because it is brought to redress the deprivation under color of state law of a right secured by the fourteenth amendment; by 28 U.S.C. § 1331 because it arises under the Constitution and the amount in controversy exceeds $10,000; and by the doctrine of ancillary jurisdiction.

B. Jurisdiction against the defendant Secretary of the Department of Health, Education and Welfare is imparted by 28 U.S.C. § 1361, because plaintiffs request relief in the nature of mandamus and 28 U.S.C. § 1331 because it arises under the Constitution and the amount in controversy exceeds $10,000.

III PARTIES

A. Plaintiffs Roger and Arlene Derosia are citizens of the United States and the State of Vermont and residents of Swanton, Vermont. Plaintiffs Larry, Harold, Arthur, Mary and Brian Derosia are the minor children of Roger and Arlene Derosia and sue in their own behalf.

B. Defendant Richardson is the Secretary of the United States Department of Health, Education and Welfare. Pursuant to 42 U.S.C. § 602(b), he is authorized to approve state plans for the implementation of ANFC.

C. Defendant Betit is Commissioner of the Vermont Department of Social Welfare. Pursuant to 33 V.S.A. § 2505, he is the chief administrator and executive officer. Through his agents, the plaintiffs and the class they represent have been denied ANFC benefits.

D. Plaintiff Roger Derosia was employed by the O.C. McCuin Company of Highgate Center, Vermont, for three years. His employment was terminated on August 25, 1972. On October 25, 1972, an application was made for ANFC-UF. The application was granted retroactive to September 24, 1972. The amount of the ANFC-UF grant was $394.

On November 6, 1972, Mrs. Derosia notified the Welfare Department that they had begun receiving state unemployment compensation in the amount of $56 per week. Pursuant to 42 U.S.C. § 607(b)(2)(c)(ii) and F.S.P.M. 2331.31(3), the ANFC-UF grant was terminated effective December 1, 1972. The difference in income to the family is $153.20 per month.

IV STATEMENT OF CLAIM

A. The Social Security Act (42 U.S.C. §§ 606 and 607) provides for assistance to needy families with dependent children if the children have been deprived of parental support or care due to death, abandonment, physical or mental incapacity or unemployment of a parent.

B. Section 607(b)(2)(c)(ii) of the Social Security Act provides that assistance under the aid to families

with dependent children program for unemployed parents cannot be granted if the father is receiving unemployment compensation. Aid must be denied for any week in which the father received unemployment compensation regardless of the amount and of the unmet need of the family. Section 2331.31(3) of the Vermont Welfare Manual implements this requirement for Vermont.

The needs of the plaintiffs for a minimum subsistence compatible with health and decency are computed by the Department of Social Welfare and appear in the Vermont Welfare Manual at Section 2211.2. The amount received by the plaintiffs under the unemployment compensation program is considerably less than the amount the Department has adopted as the minimum necessary for a decent and healthful subsistence.

42 U.S.C. § 607(b)(2)(c)(ii), 45 C.F.R. §§ 233.100(a)(5)(ii) and 233.100(c)(v)(b), and Vermont Welfare Regulation 2331.31(3) violate the due process and equal protection clauses of the fifth and fourteenth amendments for the following reasons:

1. Section 607 creates two classes of children whose fathers are unemployed, those whose fathers are receiving state unemployment compensation and those who are not. Needy children are excluded solely because their fathers receive unemployment compensation benefits even though such benefits may be far below what would otherwise be received under public assistance. Plaintiffs would be eligible for assistance if they were receiving amounts equal to their unemployment benefits in any other form of income or benefits. Having eligibility turn on the source of the income rather than the amount constitutes an invidious discrimination against the former group of children.

2. 42 U.S.C. § 606 provides ANFC eligibility for children who are deprived of parental support or care due to continued absence of one parent from the home. Eligibility under section 606 does not depend upon whether the parent in the home is receiving unemployment or not. Thus, the same children who are ineligible under section 607 because the father is receiving unemployment would

be eligible for ANFC under section 606 if either parent deserted the family. The statutory scheme which penalizes children because their parents are not separated is arbitrary and invalid under the ninth, fifth and fourteenth amendments.

Subparagraphs 1 and 2 above are equally applicable to 45 C.F.R. §§ 233.100(a)(5)(ii) and 233.100(c)(v)(b) and to Vermont Welfare Regulation 2331.31(3).

V. CLASS ACTION

Plaintiff's represent the class of those families residing in the State of Vermont who are eligible for the ANFC-UF program but for their fathers' receipt of or eligibility for unemployment compensation and as a result of this exclusion from ANFC are receiving assistance insufficient to meet their needs. Plaintiffs sue on behalf of themselves and all others similarly situated, pursuant to Rule 23, F.R.C.P.:

(a) The members of this class are so numerous that joinder of them all is impracticable.

(b) There are questions of law and fact common to all members of the class, and the common questions of law and fact predominate over any questions effecting only individual members of the class.

(c) The claims of the representative plaintiffs will fairly and adequately protect the interests of the class.

(d) Defendants have acted or refused to act on grounds generally applicable to the class.

(e) An adjudication of the rights of the named representatives of the class would, as a practical matter, be dispositive of the interests of all other members.

VI. THREE JUDGE COURT

The plaintiffs request that this action be heard by a three judge district court pursuant to 28 U.S.C. §§ 2281 and 2282 because plaintiffs seek a permanent injunction against the enforcement of an act of Congress and the

regulations of statewide applicability on the ground that they are repugnant to the Constitution.

VII. PRAYER FOR RELIEF

Wherefore, the plaintiffs respectfully pray that:

1. This court assume jurisdiction of this cause and convene a three judge court pursuant to Title 28, U.S.C. §§ 2281, 2282 and 2284;

2. This court issue an order declaring that this is an appropriate class action and granting plaintiffs leave to proceed with this action as a class action;

3. The court declare 42 U.S.C. § 607(b)(2)(c)(ii) and 45 C.F.R. §§ 233.100(a)(5)(ii) and 233.100(c)(v)(b) in violation of the due process clause of the fifth amendment and enjoin its enforcement as to plaintiffs and the class they represent;

4. The court declare Vermont Welfare Regulations 2331.31(3) in violation of the equal protection clause of the fourteenth amendment and enjoin its enforcement as to the plaintiffs and the class they represent;

5. That the Vermont Commissioner of Social Welfare be enjoined to pay retroactive benefits to the plaintiffs and the class they represent in the same amount that they would have been paid under 42 U.S.C. § 606;

6. That a writ in the nature of mandamus issue against the secretary of the Department of Health, Education and Welfare ordering him to approve the Vermont ANFC-UF plan without requiring it to contain a provision based on 42 U.S.C. § 607(b)(2)(c)(ii);

7. Grant such further relief as the court may deem just and appropriate.

ROGER C. DEROSIA; ARLENE M. DEROSIA

LARRY DEROSIA, HAROLD DEROSIA, ARTHUR DEROSIA, MARY DEROSIA, BRIAN DEROSIA

By /s/ Richard S. Kohn
Richard S. Kohn
Vermont Legal Aid, Inc.
56 Railroad Street
St. Johnsbury, Vermont 05819
Attorney for Plaintiffs

Dec. 11, 1972.

UNITED STATES COURT OF APPEALS
SECOND CIRCUIT

CHAMBERS OF

JAMES L. OAKES
Circuit Judge
Brattleboro, Vermont 03301

March 6, 1973

Richard S. Kohn, Esq.
Vermont Legal Aid, Inc.
St. Johnsbury, Vermont 05819
Benson Scott, Esq.
Assistant Attorney General
Montpelier, Vermont 05602
William Gray, Esq.
Assistant United States Attorney
Rutland, Vermont 05701

Re Glodgett v. Betit, Civil No. 6550

Gentlemen:

In your respective exchange of briefs, would you please tell us (1) if a husband is working but his earnings are

less than the amount he (and his family) would be entitled to under the ANFC or AFDC programs, would the difference between his wages and the amount of family need be paid under present welfare statutes and regulations; and (2) if the answer to the first question is in the affirmative, how does the Government rationalize such treatment of a family with a working father with the treatment of a family with an unemployed father who presumably is receiving only half of his weekly wages as unemployment compensation; and (3) if the answer to the first question is in the negative, on what basis is such payment not made?

We assume that Mr. Gray will communicate this request to Mr. LaPrade, and that Mr. Kohn will similarly communicate it to Ms. Kaufman.

Very truly yours,

/s/ James L. Oakes
James L. Oakes
U.S. Circuit Judge

cc Hon. James S. Holden
Hon. Albert W. Coffrin
Hon. Edward J. Trudell

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

[Filed March 16, 1973]

[Title Omitted in Printing]

MOTION FOR LEAVE TO FILE
AMENDED COMPLAINT

Plaintiff moves the court for leave to file an amended complaint, a copy of which is hereto attached as Exhibit A on the ground that the issue raised by the amended pleading may permit the court to avoid decision of a constitutional question.

/s/ Richard S. Kohn
Richard S. Kohn
Attorney for Plaintiffs
Vermont Legal Aid, Inc.
56 Railroad Street
St. Johnsbury, Vermont

March 13, 1973

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

[Filed April 19, 1973]

[Title Omitted in Printing]

ORDER

Upon consideration of motion to file amended complaint of the above named plaintiff intervenors, filed March 16, 1973, it is hereby ORDERED:

Motion granted.

Dated this 2nd day of April, 1973.

/s/ James L. Oakes
James L. Oakes
United States Circuit Judge

/s/ James S. Holden
James S. Holden
Chief United States District Judge

/s/ Albert W. Coffrin
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

[Filed October 3, 1973]

[Title Omitted in Printing]

MOTION TO INTERVENE

Now come Robert and Tiana Spicer, and Samantha and Stephanie Perry, minor children of Tiana Spicer, by their attorneys, Kathleen M. Mitchell and Vermont Legal Aid, Inc., pursuant to Rule 24(b) and (c), Federal Rules of Civil Procedure, to move this Honorable Court to permit them to intervene in the above case. In support of their motion herein, said parties stipulate and certify as follows:

1. That they reside in Springfield, Windsor County in the State of Vermont.

2 That their claims against the above defendants present questions of law and/or facts in common with the original plaintiffs' main action in that the intervenors are deprived of ANFC-UF because the father is receiving state unemployment compensation, which is much lower than the ANFC benefits. (Please see Intervenor's complaint which is attached hereto.)

3. That their intervention in the above cause will not unduly delay or prejudice the adjudication of the rights of the original parties.

Dated at Springfield in the County of Windsor and State of Vermont this 28th day of September, 1973.

/s/ Kathleen M. Mitchell
Kathleen M. Mitchell
Vermont Legal Aid, Inc.
15 South Street
Springfield, Vermont 05156
Attorney for Intervenors

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

[Filed November 6, 1973]

[Title Omitted in Printing]

MOTION FOR RE HEARING ON DISMISSAL
OF THE CLASS ACTION

Plaintiffs move the court for a re-hearing on the question of the dismissal of the class aspect of the above captioned case for the reasons (1) that the court should not have dismissed plaintiffs' request for designation of their action as a class suit without a hearing, and (2) that under F.R.Civ.P. 56(d) the court should have denied summary judgment on the question of class relief and set that issue for trial. Plaintiffs seek a modification of the court's opinion to enable them to present evidence on the scope of the class and for the purpose of determining what shall constitute notice to the members of the class pursuant to F.R.Civ.P. 23(c).
Dated: November 4, 1973

/s/ Richard S. Kohn
Richard S. Kohn
Vermont Legal Aid, Inc.
56 Railroad Street
St. Johnsbury, Vt.
Attorney for the plaintiffs

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

[Filed December 17, 1973]

[Title Omitted in Printing]

MOTION FOR NEW TRIAL

Defendant moves the court to set aside the findings of fact and conclusions of law entered herein on the twenty-third day of October, 1973; and to grant defendant a new trail under F.R. Civ. P. 59(a) on the grounds that the Court erred in:

(1) Ruling that they could not find anything in the legislative history to prohibit giving an individual the option of UCC or ANFC-UF;

(2) Affording an individual an option, by the interpretation that 42 USC 605 provides for the protection and similar treatment to those individuals who receive outside income; and

(3) Not allowing counsel the opportunity to brief the option position.

Defendant seeks a new trial to enable them to show how the opinion of the twenty-third day of October, 1973, will cause irreparable financial harm to the defendant.

/s/ David L. Kalib
DAVID L. KALIB
Assistant Attorney General
State of Vermont
State Office Building
Montpelier, Vermont
Attorney for the Defendants

UNITED STATES DISTRICT COURT
DISTRICT OF VERMONT

[Filed January 18, 1974]

[Title Omitted in Printing]

MOTION TO INTERVENE AND FOR TEMPORARY RELIEF

Now come Tina, William and Sean Sarazin, minor children of Mary and William Sarazin, by their attorneys, Mary Just Skinner and Vermont Legal Aid, Inc., pursuant to Rule 24(b) and (c), Federal Rules of Civil Procedure, to move this Honorable Court to permit them to intervene in the above case. In support of their motion herein, said parties stipulate and certify as follows:

1. That they reside in Barre, Washington County in the State of Vermont.
2. That their claims against the above defendants present questions of law and/or facts in common with the original plaintiffs' main action in that the intervenors are deprived of ANFC-UF because the father is receiving state unemployment compensation, which is much lower than the ANFC benefits.
3. That their intervention in the above cause will not unduly delay or prejudice the adjudication of the rights of the original parties.

And now comes Tina, William and Sean Sarazin, minor children of Mary and William Sarazin, by their attorneys, Mary Just Skinner and Vermont Legal Aid, Inc., pursuant to Rule 65, Federal Rules of Civil Procedure, to move this Honorable Court to permit them to intervene in the above case. In support of their motion herein, said parties stipulate and certify as follows:

1. That they will suffer immediate and irreparable injury if they are not granted a temporary restraining order in that they will not have sufficient income to support themselves and their family.

2. That they will suffer irreparable injury if they are not granted a temporary restraining order in that their monthly income will be approximately half of the standard of need set by the Vermont Department of Social Welfare to meet a family's minimum needs.

3. No undue delay or hardship will result to the defendants in that this Court has already held that an individual eligible for both state unemployment compensation benefits and an Aid to Families with Needy Children-Unemployed Father grant (ANFC-UF) has the option to choose receipt of benefits from the program that yields more income.

4. Justice and equity require the granting of this motion.

5. There is a likelihood that they will prevail on the merits.

6. Such other grounds as may appear on oral argument.

Dated this 16th day of January, 1974 in Montpelier, Vermont.

/s/ Mary Just Skinner
Mary Just Skinner, Esq.
Vermont Legal Aid, Inc.
26 State Street
Montpelier, Vermont 05602

UNITED STATES DISTRICT COURT
DISTRICT OF VERMONT

[Filed January 18, 1974]

[Title Omitted in Printing]

AFFIDAVIT

William Sarazin, being duly sworn, deposes and states:

1. He resides at 9 Bugbee Avenue, Barre, Vermont with his wife Mary and three minor children, William, Jr., 11 years, Tina, Ten years, and Sean, 9 months.

2. On December 7, 1973, he was laid off his job as window cleaner at Stanley E. Leszko, Window Cleaner, RFD #3, Barre, Vermont. Prior to being laid off, he earned $67.80 net per week. At that time he had only himself, his wife and his son Sean to support.

3. On or about December 26, 1973, he applied for an ANFC-UF grant at the Barre District office of the Vermont Department of Social Welfare. At that time he was told that he was eligible as of January 10, 1974 for ANFC-UF benefits in the amount of $332.00 per month.

4. On January 10, 1974, he returned to the Barre District office and was told that he would not receive ANFC-UF benefits because he had received on that date a state unemployment compensation check in the amount of $40.00.

5. If he continues to receive only $40 per week from state unemployment compensation benefits his total income per month will be $160.00 from unemployment compensation plus approximately $60.00 per month part-time work from his former employer.

6. At the present time his expenses are approximately as follows:

rent—$65 per month
food—$35 per week ($150 a month)
car payments—$10 per week ($242 owed)
hospital bill—$10 per month
doctor's bill—$10 per month ($200 owed)

7. He planned to move to a larger apartment in early January, 1974 to accommodate his family. He has been forced to move in with his mother and her grandchild and to share expenses with her because he could not afford his own apartment. He had already contracted to take an apartment at Highgate Apartments in Barre, Vermont but when he found out he would not get an ANFC-UF grant he could not afford to make the move.

8. He bought a used car for $250.00 to get to work. It broke down and had to be towed to a repair shop. He has to pay $70.00 in repair and towing charges before he can get the car back. Without this car he has no regular way to get to his part-time work at various locations.

9. At the present time he is unable to support his family on $160.00 a month from unemployment compensation and from his part-time work. He cannot feed his family and pay his rent and make payments on his debts. Without his car he may not be able to continue his part time work.

10. He and his family will suffer irreparable damage because they don't have sufficient money to live on. He would be better able to meet the needs of himself and his family on the $332.00 per month ANFC-UF benefits.

Dated this 17th day of January, 1974 in Montpelier, Vermont.

/s/ William Sarazin
William Sarazin

Subscribed and Sworn to before me this 17th day of January, 1974

/s/ Anne Cheoldi
Notary Public

UNITED STATES DISTRICT COURT
DISTRICT OF VERMONT

[Filed January 23, 1974]

[Title Omitted in Printing]

AMENDED COMPLAINT OF INTERVENTION

I. This is a suit for a declaratory judgment that 42 U.S.C. Section 607(b)(2)(c)(ii); 45 C.F.R. Sections 223.100(a)(5)(ii) and 233.100(c)(v)(b); and Vermont Welfare Regulation 2331.31(3) violate the due process and equal protection clauses of the fifth and fourteenth amendments to the United States Constitution insofar as they render children of unemployed fathers ineligible to receive ANFC benefits during any week that the father is receiving unemployment compensation under state unemployment compensation law. The action against the Commissioner of Social Welfare is based on 42 U.S.C. Section 1983. Plaintiffs also seek damages and injunctive relief against the Commissioner of Vermont Department of Social Welfare and relief in the nature of mandamus as against the Secretary of the Department of Health, Education and Welfare.

II. JURISDICTION

A. Jurisdiction against the Commissioner of the Vermont Department of Social Welfare is invoked pursuant to 28 U.S.C. Section 1343(3)-(4) because it is brought to redress the deprivation under color of state law of a right secured by the fourteenth amendment; by 28 U.S.C. Section 1331 because it arises under the Constitution and the amount in controversy exceeds $10,000; and by the doctrine of ancillary jurisdiction.

B. Jurisdiction against the Defendant Secretary of the Department of Health, Education and Welfare is imparted by 28 U.S.C. Section 1361, because plaintiffs request relief in the nature of mandamus and 28 U.S.C.

Section 1331 because it arises under the Constitution and the amount in controversy exceeds $10,000.

III. PARTIES

A. Plaintiffs Mary and William Sarazin are citizens of the United States and the State of Vermont and residents of Barre, Vermont. Plaintiffs William Jr., Tina and Sean are the minor children of William and Mary Sarazin and sue in their own behalf.

B. Defendant Weinberger is the Secretary of the United States Department of Health, Education and Welfare. Pursuant to 42 U.S.C. Section 602(b), he is authorized to approve state plans for the implementation of ANFC.

C. Defendant Philbrook is Commissioner of the Vermont Department of Social Welfare. Pursuant to 33 V.S.A. Section 2505, he is the chief administrator and executive officer. Through his agents, the plaintiffs and the class they represent have been denied ANFC benefits.

D. Plaintiff William Sarazin became unemployed on or about December 7, 1973. On or about December 26, 1973, the application was made for ANFC-UF. He was told that as of January 10, 1974, he would be eligible for ANFC-UF in the amount of $332.00 per month for his family of five.

E. On January 10, 1974, Mr. Sarazin went back to the welfare office where he was told he was not eligible for the ANFC-UF program because he had drawn a state unemployment compensation check in the amount of $40.00. He never received a written notice that he was not eligible for ANFC-UF grant. The difference in income to the family is $172.00 per month.

F. Mr. Sarazin stands ready to forego his state unemployment compensation check in the amount of $40.00 per week ($160.00) per month) to receive $332.00 per month from the Welfare Department.

IV. STATEMENT OF CLAIM

A. The Social Security Act (42 U.S.C. Sections 606 and 607) provides for assistance to needy families with dependent children if the children have been deprived of parental support or care due to death, abandonment, physical and mental incapacity or unemployment of parent.

B. Section 607(b)(2)(c)(ii) of the Social Security Act provides that assistance under the aid to families with dependent children program for unemployed parents cannot be granted if the father is receiving unemployment compensation. Aid must be denied for any week in which the father receives unemployment compensation regardless of the amount and of the unmet need of the family. Section 2331.31(3) of the Vermont Welfare Manual implements this requirement for Vermont.

The needs of the plaintiffs for a minimum subsistence compatible with health and decency are computed by the Department of Social Welfare and appear in the Vermont Welfare Manual at Section 2211.2. The amount received for the plaintiffs under the unemployment compensation program is considerably less than the amounts the Department has adopted as the minimum necessary for a decent and healthful subsistence.

42 U.S.C. Section 607(b)(2)(c)(ii), 45 C.F.R. Section 233.100(a)(5)(ii) and Vermont Welfare Regulations 2331.31(3) violate the due process and equal protection clauses of the fifth and fourteenth amendments for the following reasons:

A. Section 607 creates two classes of children whose fathers are unemployed: those whose fathers were receiving state unemployment compensation and those who are not. Needy children are excluded solely because their fathers receive unemployment compensation even though such benefits may be far below what would otherwise be received under public assistance. Plaintiffs would be eligible for assistance if they were receiving amounts equal to their unemployment benefits in any other form of income or benefits. Disqualifying families from ANFC-UF

because the father receives unemployment compensation constitutes an invidious discrimination.

B. 42 U.S.C. Section 607(b)(2)(c)(ii) is unconstitutional because it only disqualifies those children whose fathers are receiving unemployment compensation. This is an arbitrary distinction conditioned solely on which parent is receiving unemployment.

C. 42 U.S.C. Section 606 provides ANFC eligibility for children who are deprived of parental support or care due to continued absence of one parent from the home. Eligibility under section 606 does not depend upon whether the parent in the home is receiving unemployment or not. Thus, the same children who are ineligible under Section 607 because the father is receiving unemployment compensation would be eligible for ANFC under Section 606 if either parent deserted the family. A statutory scheme which penalizes children because their parents are not separated is arbitrary and invalid under the ninth, fifth and fourteenth amendments.

Subparagraphs A, B and C above are equally applicable to 45 C.F.R. Section 233.100 and Vermont Welfare Regulation, 233.31(3).

D. Vermont Welfare Regulation 2331.31(3), as applied, violates 42 U.S.C. Section 607(b)(2)(c)(ii) and 45 C.F.R. Section 233.100(a)(5)(ii) because it is interpreted to disqualify families in which the father is eligible to receive unemployment compensation as well as those in which the father is actually receiving unemployment compensation.

V. PRAYER FOR RELIEF

Wherefore, the plaintiffs respectfully pray that:

1. This Court allow plaintiffs to intervene in this cause;

2. The Court declare 42 U.S.C. Section 607(b)(2)(c)(ii) and 45 C.F.R. Section 223.100(a)(5)(ii) and 233.100(c)(v)(b) in violation of the due process clause of the fifth amendment and enjoin its enforcement as to plaintiffs;

3. The Court declare Vermont Welfare Regulation 2331.31(3) in violation of the equal protection clause of the fourteenth amendment and enjoin its enforcement as to the plaintiffs;

4. That the Vermont Commissioner of Social Welfare be enjoined to pay retroactive benefits to the plaintiffs in the same amount that they would have been paid under 42 U.S.C. Section 606;

5. That a writ in the nature of mandamus issue against the Secretary of the Department of Health, Education and Welfare ordering him to approve the Vermont ANFC-UF plan without requiring it to contain a provision based on 42 U.S.C. Section 607(b)(2)(c)(ii);

6. That the Court interpret 42 U.S.C. Section 607(b)(2)(c)(ii) to disqualify families from ANFC-UF benefits only for any week in which the father is actually receiving unemployment compensation.

7. Grant such further relief as the court may deem just and appropriate.

WILLIAM SARAZIN, MARY SARAZIN

By: /s/ Mary Just Skinner

Mary Just Skinner, Esquire
Vermont Legal Aid, Inc.
26 State Street
Montpelier, Vermont 05602

VERIFICATION

We solemnly swear that We have read the above Complaint and know the contents thereof, and that the same is true to the best of our knowledge, except the matters stated on my information and belief, and that as to those matters We believe them to be true.

/s/ William Sarazin
William Sarazin

/s/ Mary Sarazin
Mary Sarazin

Subscribed and Sworn to before me this 16th day of January, 1974,

/s/ Mary Just Skinner
Notary Public

UNITED STATES DISTRICT COURT
DISTRICT OF VERMONT

[Filed January 25, 1974]

[Title Omitted in Printing]

STIPULATION

Plaintiff-intervenors Mary and William Sarazin, individually and on behalf of their minor children Tina, William, Jr. and Sean, by and through their attorney Mary Just Skinner, Esquire and Vermont Legal Aid, Inc., and defendant Paul Philbrook (originally Joseph Betit) by and through his attorney David Kalib, Esquire, hereby agree and stipulate as follows:

1. Plaintiff-intervenor shall forego receipt of further state unemployment compensation benefits after January 24, 1974.

2. Defendant shall grant plaintiff ANFC-UF benefits as of January 28, 1974 until plaintiff ceases to be eligible for such benefits.

3. Defendant waives the requirement of posting the bond of fifty dollars ($50) set by the Court on January 23, 1974.

4. Upon the Court's entry of a final judgment in the case at bar plaintiff-intervenor shall become a member of the class covered by this Court's Orders of October 17, 1973 and December 28, 1973, and shall be subject to any further order of the Court staying the effect of such final judgment. In no event shall the merger of plaintiff-intervenor into the class covered by the Court's final judgment cause any hiatus in the receipt of ANFC-UF benefits to plaintiff-intervenor so long as he remains eligible for such benefits.

Dated at Montpelier, Vermont this 24th day of January, 1974.

/s/ David Kalib
David Kalib, Esquire
for Defendant Paul Philbrook

/s/ Mary Just Skinner
Mary Just Skinner, Esquire
for plaintiff-intervenors,
William and Mary Sarazin,
individually and on behalf
of their minor children,
Tina, William, Jr. and
Sean Sarazin

UNITED STATES DISTRICT COURT

DISTRICT OF VERMONT

[Filed January 25, 1974]

[Title Omitted in Printing]

ORDER

Plaintiffs having moved this Court pursuant to Rules 24(b) and (c), and 65, Federal Rules of Civil Procedure, for a leave to intervene in the case at bar and for a temporary restraining order restraining Paul Philbrook (originally Joseph Betit) and Elliot Richardson from refusing to grant Plaintiff Aid to Families with Needy Children-Unemployed Father benefits (ANFC-UF) solely on the ground that he is receiving unemployment compensation benefits from the State of Vermont. This motion having been considered by this Court:

Upon the verified complaint, affidavit, and memorandum submitted on behalf of the parties, upon hearing on January 24, 1974, upon the finding by this Court that:

1) Plaintiffs' claims against the defendants present questions of law and fact in common with the original plaintiffs main action;
2) Plaintiffs' intervention will not unduly delay the case at bar;
3) Plaintiffs are now suffering irreparable damage by being denied ANFC-UF benefits; and
4) Plaintiffs are likely to prevail on the merits in the case at bar, and upon stipulation of the parties that plaintiff-intervenor William Sarazin shall forego receipt of further state unemployment compensation benefits after January 24, 1974, that defendant Vermont Department of Social Welfare shall grant plaintiffs ANFC-UF benefits as of January 28, 1974 until plaintiffs cease to be eligible for such benefits; that defendant Department of Social Welfare waives the requirement of posting the bond of fifty dollars ($50) set on January 23, 1974,

and that entry of a final judgment order in the case at bar shall result in plaintiff-intervenors merger into the class of persons covered by the Orders of October 17, 1973 and December 28, 1973, whereupon plaintiff-intervenors shall be subject to any further order of the court staying the effect of such final judgment, it is

ORDERED, ADJUDGED AND DECREED THAT:

Plaintiff-intervenors William and Mary Sarazin, individually and on behalf of their minor children Tina, William, Jr. and Sean Sarazin are hereby intervened as party-plaintiffs in the instant case and defendants, their successors in office, agents, and employees, and all other persons in active concert with them, are hereby restrained from refusing to grant Plaintiff ANFC-UF benefits as of January 28, 1974 for so long as Plaintiff remains eligible and foregoes receipt of Vermont unemployment compensation benefits.

Dated at Rutland, Vermont this 25th day of January, 1974.

/s/ James S. Holden
Judge James S. Holden
United States District Court

UNITED STATES DISTRICT COURT
DISTRICT OF VERMONT

[Filed February 26, 1974]

[Title Omitted in Printing]

MOTION TO STAY, INCLUDING SUPERSEDEAS IN DISTRICT COURT

Defendants move this Court to stay the enforcement of its judgment in this action pending the disposition of defendants' appeal to the United States Supreme Court.

/s/ David L. Kalib
DAVID L. KALIB
Assistant Attorney General
Office of the Attorney General
Montpelier, Vermont 05602
(802) 828-3445

Attorney for Appellants/Defendants

UNITED STATES DISTRICT COURT
DISTRICT OF VERMONT

[Filed February 26, 1974]

[Title Omitted in Printing]

AFFIDAVIT

ROBERT M. SALIBA, being duly sworn and deposed, says:

1. For the last 4½ years, I have been involved in systems and programming with the computer operations for the Vermont Department of Employment Security, a position I currently maintain. Prior to that time, I have had programming experience with the Vermont Highway Department and I have attended courses of instruction in programming with the International Business Machine Corporation.

2. At the request of the Commissioner for the Department of Social Welfare, I have prepared a study on the average weekly claim load of the Department of Employment Security. The purpose of this study is to determine the number of individuals potentially eligible, concurrently, for both unemployment insurance and Aid to Needy Families—Unemployed Father benefits. The information for this study came from Departmental weekly reports which are submitted by local offices from their claims files.

3. The findings of the study are as follows:

a. During the calendar year 1973, the total number of claims filed was 268,270, or an average weekly total of 5159.

b. In order to determine the number of individuals potentially eligible concurrently for both ANFC-UF welfare and unemployment benefits, I had our computer sort into two categories the first 5200 claimants [rounding 5159—the average number of claimants at any given period] who have received at least one payment and who have entered the file subsequent to

June 30, 1973, the date dependency information was entered on the files. The first category of the 5200 is made up of those individuals presumably ineligible for ANFC-UF (i.e. anyone with no dependents, or one dependent, [who is presumed to be a spouse], or any female claimant). The second category is made up of those who are potentially eligible for ANFC-UF benefits, namely those families headed by males with two or more dependents.

c. It was found on two separate computer runs, (January 25, 1974 and January 31, 1974) that of the first fifty-two hundred (5200) names, as calculated in *a.* above, approximately fifteen hundred (1500) [In actuality the January 25 run revealed 1496 potentially eligible, while the January 31 run showed 1480 potential eligibles] would fall into the potentially eligible group.

The attached results accurately reflect the content of our file on January 25 and January 31, 1974.

/s/ Robert M. Saliba
ROBERT M. SALIBA

Subscribed and Sworn to before me this 15th day of February, 1974.

/s/ David Kalib
Notary Public

REQUEST REPORT FOR UI DIRECTOR

01/25/74

CLAIMANT SAMPLE SIZE 5200

NO. OF FEMALES	= 1580	
NO. OF MALES 0 DEPS	= 1409	
NO. OF MALES 1 DEPS	= 715	
NO. OF MALES 2 DEPS	= 473	AVE WBA = 72
NO. OF MALES 3 DEPS	= 428	AVE WBA = 74
NO. OF MALES 4 DEPS	= 331	AVE WBA = 74
NO. OF MALES 5 DEPS	= 264	AVE WBA = 74

REQUEST REPORT FOR UI DIRECTOR

01/31/74

CLAIMANT SAMPLE SIZE 5200

No. of Females	= 1584	
No. of Males 0 Deps	= 1427	
No. of Males 1 Deps	= 709	
No. of Males 2 Deps	= 450	Ave WBA = 72
No. of Males 3 Deps	= 429	Ave WBA = 74
No. of Males 4 Deps	= 324	Ave WBA = 74
No. of Males 5 Deps	= 277	Ave WBA = 74

UNITED STATES DISTRICT COURT
DISTRICT OF VERMONT

[Filed February 26, 1974]

[Title Omitted in Printing]

AFFIDAVIT

LAWRENCE MASTERSON, being duly sworn, deposes and says:

1. I am Agency Principal Accountant, responsible for financial reports and projects of the Department of Social Welfare.

2. I, as Principal Accountant, have had the responsibility for preparing and working with the Department of Social Welfare's budget since 1969.

3. From time to time, I have been requested, and as part of my normal responsibilities I have provided, information to various individuals with respect to the Department's budget.

4. In the normal course of my employment responsibilities, I have prepared an analysis of the Department's budget expenditure and projected expenditures for both the first half of fiscal year 1974 and the entire fiscal year 1974, respectively.

5. The results of this analysis are as follows:

a. The Department's latest projection of expenditures for FY 74 is $55,185,210.

b. From July 1, 1973 through December 31, 1973, it was projected that the Department would spend $28,440,000 or 51.5% of the total budget. The actual expenditures during this period were $27,920,000.

c. The projected expenditure for the period January 1, 1974 to June 30, 1974 is $27,265,500.

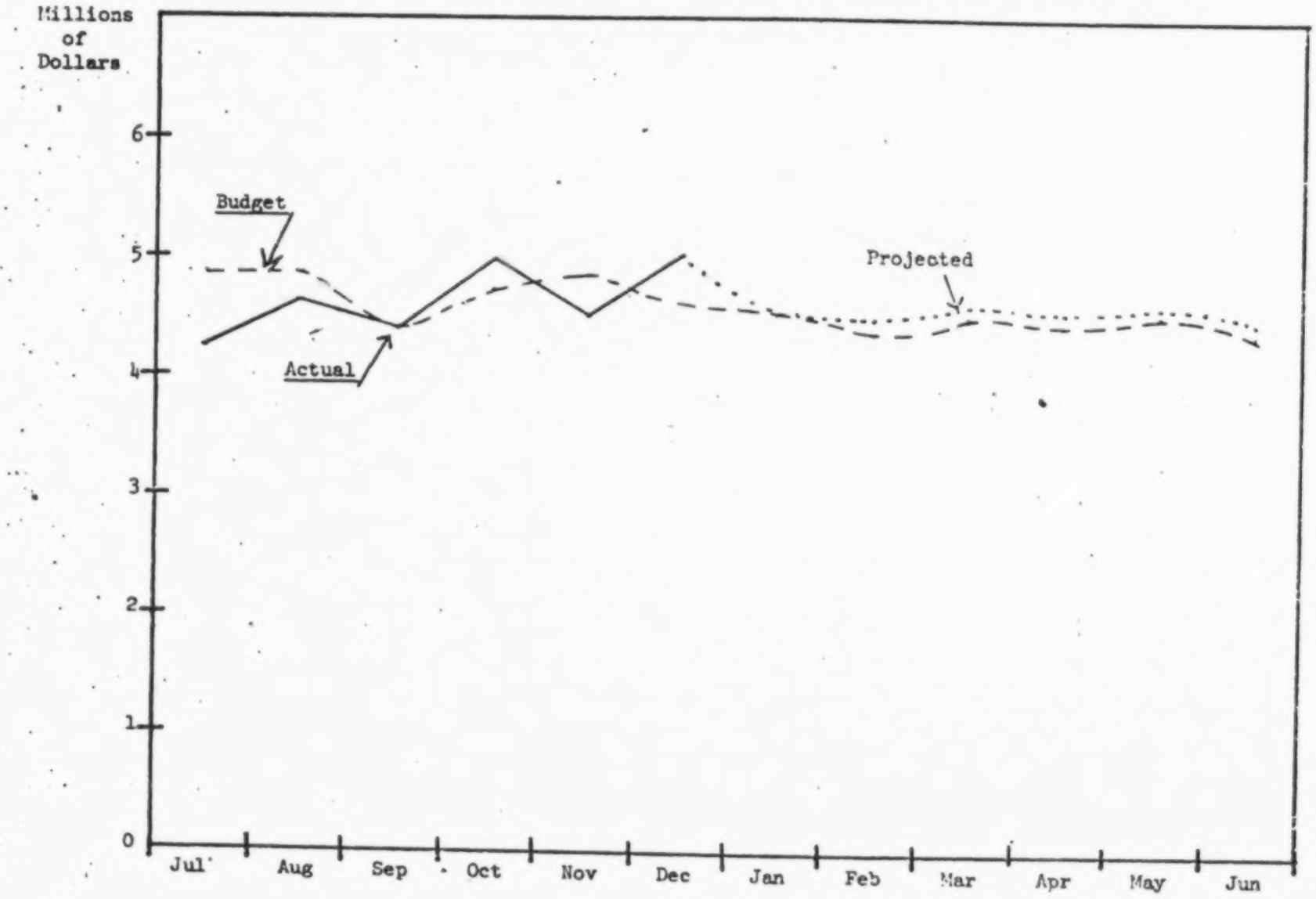
6. The attached graph accurately reflects the expenditures for the first half of the fiscal year and projected expenditure for the balance of this fiscal year.

/s/ Lawrence Masterson
LAWRENCE MASTERSON

Subscribed and Sworn to before me this 14th day of February, 1974.

/s/ David Kalib
Notary Public

Dept. of Social Welfare - Expected Monthly Expenditure Pattern of FY 74 Gross Budget, Minus GA Hospital, with Actual Monthly Expenditures thru December and Projected Monthly Expenditures January thru June



FY 74

BEST COPY AVAILABLE

UNITED STATES DISTRICT COURT
DISTRICT OF VERMONT

[Filed February 26, 1974]

[Title Omitted in Printing]

AFFIDAVIT

PAUL R. PHILBROOK, being duly sworn, deposes and says:

1. I am Commissioner of the Vermont Department of Social Welfare and am charged by 33 VSA § 2505 with the full responsibility for operation of the Department.

2. I, as Commissioner, have the duty to administer laws applicable to the Department and to fix standards and to promulgate regulations necessary to administer those laws.

3. I am charged with the responsibility, pursuant to 33 VSA 2501(4), to comply with intent of the legislature to maintain a reasonable standard of health and decency based on current cost of living indexes.

4. I am further charged with the responsibility pursuant to 33 VSA § 2554 to allocate payments of assistance when the appropriations are insufficient, and am not authorized to incur a deficit.

5. I have adjusted assistance standards during fiscal year 1974 to reflect the increased cost of living. Because overall funding in the Department is not sufficient to fully meet the revised standards, payments are being made at 90% of the updated standard.

6. Based upon the information supplied to me from the Department of Employment Security, it is my opinion that at least one-half (½) or seven hundred and fifty (750) of the estimated fifteen hundred (1500) families (with two or more dependents) that are receiving unemployment benefits would be eligible and choose to accept an ANFC-UF welfare grant during FY 75.

7. Based upon the present average grant of $327 per month per family for ANFC-UF families, I estimate that

these 750 families will increase the Department's expenditures during FY 75 by $245,250 per month, or $2,943,000 per year, of which $1,018,866 is state funds.

8. With respect to FY 74, if Department expenditures continue as currently projected, funding would not be sufficient to continue payments in all programs at present levels. Before reducing assistance grants, I would seek additional funding from the Emergency Board of state government. If such funds were unavailable or not forthcoming, a reduction in payments under one or more Department programs would be necessary.

9. With respect to FY 75 (Beginning July 1, 1974), the projected expenditure levels included in the Department budget now being considered by the Vermont General Assembly do not contemplate this additional caseload. If a stay is not granted and Department FY 75 expenditures proceed as currently projected, FY 75 appropriations would not be sufficient to cover the cost of these additional 750 families. I would be obliged to request a supplemental appropriation of the 1975 Vermont General Assembly. If that request were not granted, a reduction in payments under one or more department programs would be necessary.

10. If a stay is granted, pending a final decision by the U.S. Supreme Court, I shall be able to plan for an eventual increase in budget, assuming the lower court decision is affirmed.

/s/ Paul R. Philbrook
PAUL R. PHILBROOK

Subscribed and Sworn to before me this 14th day of February, 1974.

/s/ Dorothy E. Puente
Notary Public

UNITED STATES DISTRICT COURT
DISTRICT OF VERMONT

[Filed March 15, 1974]

[Title Omitted in Printing]

STAY OF JUDGMENT

Upon the basis of the memoranda, and the arguments of counsel on March 1, 1974, it is ordered, adjudged and decreed that:

1. Except for the above-named plaintiffs, whose judgment is to be satisfied, the judgment order with respect to all those similarly situated individuals, who would qualify for the ANFC-UF option, is hereby conditionally stayed.

2. The stay is conditioned as follows:

(a) All those who would be eligible for ANFC-UF benefits but for the receipt of unemployment compensation (UC) benefits, shall be permitted to apply for and receive supplemental financial assistance from the Department of Social Welfare (DSW) after they have been found eligible to receive UC.

(b) The amount of the supplemental assistance shall be the difference between the UC benefits received (or to be received after the mandatory one-week waiting period prescribed in 21 V.S.A. Sec. 1343(4), together with other earned or unearned income, and the amount the applicant would be entitled to receive had he been eligible under the ANFC-UF program.

(c) The amount of supplemental assistance shall be calculated and paid for the month in which application for the supplemental assistance is filed.

3. The Department reserves the option of granting ANFC-UF to a particular family where the family is eligible for ANFC-UF but for the receipt of UC, and where it would be in the financial best interest of the Department to do so. Such an arrangement can only be

made with the consent of the recipient and his willingness to forego his UC benefits in favor of ANFC-UF. It is the intent of this order to provide the same financial assistance to the applicant irrespective of which program he so chooses.

4. Those individuals found eligible for benefits under paragraph (2) above shall also be eligible for medicaid payments as if they were eligible for and receiving ANFC-UF.

5. All recipients under the terms of this conditional stay shall be afforded the right to notice, hearing and all other procedural safeguards available to recipients of ANFC-UF under appropriate state and federal regulations as concern the granting, modification, continuance or termination of benefits.

6. This stay order shall continue in force until the merits are decided on appeal by the United States Supreme Court or until further order of this court.

DATED at ——— in the District of Vermont, this 15th day of March, 1974.

SO ORDERED.

/s/ James L. Oakes
U.S. Circuit Judge

/s/ James S. Holden
U.S. District Judge

/s/ Albert W. Coffrin
U.S. District Judge

SUPREME COURT OF THE UNITED STATES

No. 73-1820

PAUL R. PHILBROOK, ETC., APPELLANT

v.

JEAN GLODGETT, ET AL.

APPEAL from the United States District Court for the District of Vermont.

The statement of jurisdiction in this case having been submitted and considered by the Court, probable jurisdiction is noted. The case is consolidated with No. 74-132 and a total of one hour is allotted for oral argument.

October 29, 1974

SUPREME COURT OF THE UNITED STATES

No. 74-132

CASPAR W. WEINBERGER, Secretary of Health, Education and Welfare, APPELLANT

v.

JEAN GLODGETT, ET AL.

APPEAL from the United States District Court for the District of Vermont.

The statement of jurisdiction in this case having been submitted and considered by the Court, further consideration of the question of jurisdiction is postponed to a hearing of the case on the merits. The case is consolidated with No. 73-1820 and a total of one hour is allotted for oral argument.

October 29, 1974

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